



## Ghana

### Country Reports on Human Rights Practices - [2001](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 4, 2002

Ghana is a constitutional republic with a strong presidency and a unicameral 200-seat Parliament; multiparty elections have been held every 4 years since the country returned to constitutional rule in 1992. In December 2000, six opposition parties and the ruling National Democratic Congress (NDC) contested presidential and parliamentary elections, which despite a few incidents of intimidation and election fraud, domestic and international observers judged generally free and fair. On January 7, John Agyekum Kufuor of the opposition National Patriotic Party (NPP) was inaugurated as president. President Kufuor was elected president in a run-off election with 56.7 percent of the vote against then Vice-President John Atta Mills of the NDC. In the 2000 legislative elections, the NPP won 100 seats in Parliament, while the NDC, the former ruling party, won 92 seats, and independent candidates and smaller parties won 8 seats. The Constitution calls for a system of checks and balances, with an executive branch headed by the President, a unicameral parliament, an independent judiciary, and several autonomous commissions, such as the Commission for Human Rights and Administrative Justice (CHRAJ). In practice the system of checks and balances is limited by a system-wide lack of resources that affects all three branches. The former ruling party, which is the opposition under the Kufuor Government with nearly half the seats in Parliament, closely scrutinizes government actions. The Government respects the constitutional provisions for an independent judiciary; however, in practice the judiciary is subject to influence and corruption and lacks adequate resources.

Several security organizations report to various government departments. The police, under the jurisdiction of an eight-member Police Council, are responsible for maintaining law and order. A separate department, the Bureau of National Investigations (BNI), handles cases considered critical to state security and answers directly to the executive branch. Although the security apparatus is controlled by and responsive to the Government, the monitoring, supervision, and education of the police in particular remain poor. Police and other security forces committed some serious human rights abuses.

The economy remains dependent on agriculture, with approximately 41 percent of gross domestic product (GDP) and 59 percent of employment derived from this sector, according to government statistics. The country's population is 19.5 million. Gold, cocoa, and timber are the traditional sources of export earnings, although cocoa and gold revenues fell due to the drop in the prices of these commodities on the world market. Tourism is the third largest foreign exchange earner. Service sector growth outpaced both agriculture and industry. The economy grew at a rate of 3.7 percent, up from 3.0 percent in 2000, due to the fall in the world price of gold and cocoa and the fluctuating price of crude oil. Inflation fell from 40 percent to 21 percent. Per capita GDP remained at approximately \$320 (2,304,000 cedis), and the cedi remained relatively stable at year's end.

The Government's generally poor human rights record improved; although there were significant improvements in several areas, serious problems remained in others. Police use of excessive force resulted in some extrajudicial killings and injuries. Opposition activists claimed that government security forces engaged in harassment, including unlawful searches and detentions. There continued to be credible reports that members of the police beat suspects in custody and other citizens, and that police and some elements of the military arbitrarily arrested and detained persons. Police corruption was a problem. Although members of the security forces often are not punished for abuses, the commanding officer and other members of the 64th Infantry Unit, which is believed to commit many abuses, was transferred during the year. Prison conditions remained harsh; however, according to a 2000 government inspection report, conditions have improved from previous years. Prolonged pretrial detention remained a problem. Inadequate resources and a system vulnerable to political and economic influence compromised the integrity of the overburdened judicial system. At times the Government infringed on citizens' privacy rights. The Government generally respects freedom of speech and of the press; however, there were occasional reports that government officials pressured government media

outlets to cease or minimize coverage of opposition politicians. Major government media outlets exercised some restraint in their coverage. Unlike in the previous year, only one libel suit was filed by a minister. On July 27, the Government abolished the criminal libel law and dismissed all pending court cases related to the law; however, government media continued to favor government officials in their coverage. At times the Government restricted freedom of assembly, and police used force to disperse demonstrations. The Government generally respects freedom of association; however, in February the Government announced that it would prohibit the existence and formation of all political groupings within the security services. There are some limits on freedom of religion. Although the Government generally respects freedom of movement, police set up barriers to demand bribes from motorists. Violence against women is a serious problem. *Trokosi*, a traditional form of ritual servitude, is practiced on a limited scale in one region of the country. Female genital mutilation (FGM) still is practiced, primarily in the north. Religious differences led to tension and occasional clashes between different groups. There were some incidents of ethnically motivated violence, and some ethnic groups complain of discrimination. Child labor is a problem in the informal sector, and forced child labor and trafficking in women and children also are problems. Vigilante justice also is a problem.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

Security forces committed a number of extrajudicial killings of criminal suspects. The number of deaths reportedly caused by members of the security services increased from five in 2000 to seven during the year. Police continued to use rubber bullets and water cannons in crowd control situations. In recent years, the police service in particular has come under severe criticism following incidents of police brutality, corruption, and negligence. Public confidence in the police remains low, and mobs attacked several police stations due to perceived police inaction, a delay in prosecuting suspects, rumors of collaboration with criminals, and the desire to deal with suspects through instant justice. The Ghana Governance and Corruption Survey, which was completed during the year, found that the police were among the "least trusted, least effective, and most corrupt" government institutions in the country. In 1999 the presidential Archer Commission issued a white paper critiquing police operations and providing specific directives as to how to address police manpower, training, and logistical needs. The Inspector General of Police (IGP) publicly acknowledged these problems and attempted to address them through training in human rights and riot control.

In February a police sergeant was placed in custody for allegedly killing a 25-year-old man in Tamale, Northern Region, while attempting to arrest him for selling marijuana. According to a police spokesman, the suspect was killed instantly when the sergeant's gun went off accidentally while he was struggling with the suspect. The police investigation into the incident was ongoing at year's end.

On March 5 in Nsoatre, Brong-Ahafo Region, three persons were killed and nine were injured when police attempted to disperse residents opposed to the enstoolment of a new chief who had occupied the chief's palace and barricaded the road with burning tires. According to witnesses quoted in press reports, the police used tear gas and shot at protesters indiscriminately, and some of the protesters who allegedly were armed returned fire; nine persons were arrested. Local officials asked the Government to conduct an investigation into the incident; however, no investigation began by year's end.

On May 9, police used tear gas to control a portion of the crowd who began destroying seats and tossing them onto the field during a soccer match at the Accra Sports Stadium. In the ensuing stampede, 126 persons were crushed and trampled to death as they tried to escape the tear gas. On November 6, an official Commission of Inquiry concluded that the police overreacted to fan vandalism and bore primary responsibility for the incident; the Commission also cited negligence by the National Sports Council and the poor design of the stadium's stairwells. The IGP testified to the Commission that the use of tear gas was out of place and other equipment, such as batons and water cannons, should have been used instead. Some police officers gave contradictory testimony regarding the use of tear gas at the stadium. The Commission concluded that the police who provided testimony conspired to subvert the Commission's work through a conspiracy of silence. The Government publicly committed itself to the prosecution of the six senior police officers who gave the order to fire the tear gas; however, the police officers had not been arrested or prosecuted by year's end.

On May 24, police severely beat before taking into custody a 46-year-old farmer in Obuase, Ashanti Region; he died the next day from his injuries at a local clinic. The local chief reportedly ordered the arrest of the man because he had not paid \$3.60 (25,000 cedis) for a community electrification project. There was no further information available on the incident at year's end.

On July 25, a 90-year-old man in Sunyani, Brong-Ahafo Region, who had been sentenced to 7 years in jail for

defiling a 16-year-old girl, died in prison 11 days after his sentencing. Photographs of the man in court show him held up by two policemen because he was too weak and ill to stand. The cause of death was listed as "senile dementia." The Sunyani Central Prison called for a review of his case; however, there was no further information available at year's end.

On August 16, a policeman shot and killed a 27-year-old Accra Polytechnic student at Dansoman, Greater Accra. According to press reports, the student was shot after he intervened in a dispute between the policeman and a cab driver; he died en route to a hospital. An initial police investigation concluded that the policeman's gun went off accidentally during the scuffle with the driver; however, other reports claimed that the policeman was drunk at the time of the incident. The deceased student's family and the Minister of Education called for a full inquiry into the matter. After a subsequent police investigation, the police officer was charged with murder, remanded into custody, and was awaiting trial at year's end.

On September 2, a policeman in Aiyinase, Western Region, killed two persons and injured six others when he shot his gun at a minibuss and several bystanders. A mob quickly gathered and lynched the policeman. A police investigation into the incident was ongoing at year's end.

On October 14, an armed bank robbery suspect in Mampong, Ashanti District, died while in custody at the Kumasi Central Prison. The suspect was one of seven persons arrested in connection with an October 11 robbery, which resulted in the deaths of two police officers. According to a police statement, the suspect was not subject to any abuse while in custody, and the cause of death could not be determined immediately; an autopsy was scheduled but had not been conducted by year's end.

Many persons died in prisons due to extremely harsh conditions and lack of medical treatment (see Section 1.c.).

On August 21, the Attorney General's Office advised the police not to prosecute five officers who had been accused of involvement in the August 2000 killing of a bystander during a dispute between off-duty junior military officers and a bartender at an Accra nightclub. According to the Director of Public Prosecutions, there was no evidence that the five were accomplices to the crime. According to the police investigation, the gun that killed the bystander had been issued to a sixth officer present at the nightclub that evening; the officer, who was a member of the 64th Infantry Regiment, was found hanged, reportedly a suicide, within 2 weeks of the incident.

A driver who allegedly caused an accident in October 2000 involving the President and his wife and in which four of Rawlings' bodyguards were killed, died of unexplained causes in December 2000, while hospitalized. The suspect had appeared before the Accra Circuit Tribunal charged with two counts of manslaughter and negligently causing harm. The chairman of the tribunal ordered the police to take the suspect to the Police Hospital because he appeared ill. The Bar Association criticized the circumstances of the driver's arrest and called for the autopsy report to be released to the public. In March the family of the deceased suspect lodged a complaint against the police with the Commission for Human Rights and Administrative Justice (CHRAJ), claiming that the victim was denied proper medical care while in custody. The hearing was ongoing at year's end.

In November 2000, police shot and killed an alleged fuel smuggler in the Afedido in the Volta Region. At year's end, the investigation was ongoing as the police awaited the results of the ballistics tests.

There were no developments in the investigation of the 2000 police shooting of a 23-year-old man who was sitting with friends in a cemetery in Madina, Greater Accra Region. Police investigations into the killing were ongoing at year's end.

There was no investigation during the year into the July 2000 killing of a young man in the Eastern Region who had a history of mental illness or the April 2000 killing of a miner during a conflict between 120 military and police personnel and more than 100 men attempting to steal ore from a gold mine in Bibiani (see Section 1.d.).

A former chief and more than 60 town residents were arrested in connection with the January 1999 case in which police shot and killed a farmer during a riot at Juaso in the Ashanti Region, were released on bail (see Section 5). The trial was ongoing at a regional tribunal in Kumasi at year's end.

In October a police officer accused of killing a passenger in a truck in August 1999 was indicted.

In July 2000, the employee of the National Security Council who allegedly shot and killed an agricultural officer in June 1999 was sentenced to death in July. His lawyers filed an appeal, and the case was ongoing at year's end.

end.

The IGP recommended an inquiry into the February 1999 case of police who fired into a crowd at the Konkomba market in Accra and ordered that those liable be prosecuted. The case was forwarded to the Attorney General's Office, which advised against prosecution of the police because their actions occurred during looting by the crowd.

On August 30, the police officer accused in 1999 of shooting a vendor who died at Soe, near Bolgatanga, Upper East Region, was indicted; however, it was unknown whether the officer was tried by year's end.

There were no developments in the investigation into the 1999 police killing of the driver of a timber truck at a police barricade in the Ashanti region town of Barekese. There were no further developments in the 1999 case in which police shot and killed a driver at his residence in Korpeya, near the border with Togo.

During the year, the Attorney General reviewed the 1999 case of a police and military patrol team who killed two taxi passengers in Tema. The Attorney General subsequently advised the police that the evidence was inadequate to warrant prosecution on murder or manslaughter. The police have not issued any formal statement.

On August 9, the Government exhumed the bodies of three former heads of state and five senior military officers who were executed in July 1979; family members had requested private exhumation and proper reburial, and the Government granted the request as a humanitarian gesture. A committee led by current senior military officers supervised the exhumation, which was witnessed only by the families and military officials. Burial ceremonies, public and private, commenced at year's end.

During the year, chieftancy disputes led to several deaths and a number of injuries (see Sections 1.c. and 5).

The press reported numerous cases of vigilante style "instant justice" conducted by angry citizens and mobs on suspected criminals and suspected witches that led to a number of deaths and injuries (see Section 5).

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture or other cruel, inhuman, or degrading treatment or punishment; however, there were continued credible reports that members of the police and customs officials beat prisoners and other citizens. It generally is believed that severe beatings of suspects in police custody occur throughout the country but largely go unreported.

On March 24, police used tear gas and fired warning shots to control a mob of Liberian refugees from Budumburam Refugee Camp in the Greater Accra Region; reportedly several rioters were injured and 24 were arrested. The refugees rioted to protest the alleged attack on a refugee by a Ghanaian (see Section 2.d.).

On March 25, 15 soldiers from the 48th Engineers Regiment attacked the Osu Police Station and assaulted 2 on-duty police officers. The soldiers were attempting to free two colleagues whom the police had arrested. The military investigated the incident, court-martialed the soldiers, and apologized officially; nine soldiers were found guilty and punished with the loss of rank, reduction in rank, and forfeiture of salary.

On May 9, police used tear gas to control a portion of the crowd that was disrupting a soccer match at Accra Sports Stadium; numerous persons were trampled and crushed to death as they tried to escape the tear gas (see Section 1.a.). Numerous persons also suffered injuries, including cuts and broken limbs.

On May 11, youths from Nima and Mamobi, primarily Muslim districts of Accra, attacked two police stations, several kiosks, and a local hotel, setting tires on fire, and broke windows to protest police actions at the stadium on May 9. Police were unable to control the rioters, and military personnel were dispatched to restore order; no injuries were reported. A Member of Parliament (M.P.), who was arrested on suspicion of inciting the riots, later was released (see Section 1.d.). No charges were filed against anyone in connection with the riots. In June police, community leaders, local youth, and government officials discussed the events in order to improve community-police relations during a forum organized by a local NGO.

In April the IGP issued a directive against the use of warning shots by the police, saying that it was not authorized by police regulations; however, on May 19, a police officer injured a youth when he fired a warning shot in an attempt to disperse a group of youths who were blocking a road in Accra. The youths reportedly were attending a funeral for a victim of the May 9 Accra stadium incident. A police investigation still was ongoing at year's end.

Police set up illegal barriers to demand bribes from motorists (see Section 2.d.). There also were credible reports that police extorted money from local businesses by acting as private debt collectors and arresting citizens in exchange for bribes from detainees' disgruntled business associates. Police also demanded money from suspects as a precondition of their release on bail (see Section 1.d.). Government officials have said publicly that the Government's "zero tolerance for corruption" policy applies to the police and other security officials; however, a survey conducted during the year by the Center for Democracy and Development showed that 67 percent of respondents said they had paid bribes to the police. There were several cases of police being arrested and standing trial for abuses, including robbery and extortion.

Several 2000 cases involving the 64th Infantry Regiment fueled growing concerns that unit personnel engage in extrajudicial activity and human rights abuses. In 2000 the military authorities appealed to the public to desist from involving the military in solving personal disputes. At a subsequent graduation ceremony for new soldiers, an army official warned the soldiers not to let themselves be hired to resolve personal disputes. The IGP warned police personnel not to involve themselves in land disputes, debt collection, and other forms of unauthorized duties that have no valid relationship to their official duties.

In January the Commanding Officer of the 64th Infantry Regiment, who had commanded the unit since 1994, was transferred and a new Commanding Officer named. The 64th regiment, which previously guarded former President Rawlings, was the reported source of many human rights abuses. During the year, some members of the 64th were transferred to other units of the armed forces. Approximately half of the soldiers from the 64th were sent to Sierra Leone as part of Ghanbatt IV, a peacekeeping unit under the auspices of the U.N. Ghanbatt IV soldiers underwent human rights instruction, and observers determined that they had not been human rights violators in the past.

There were no developments in the August 2000 alleged detention and beating of a businessman by members of the elite 64th Infantry Regiment. He said that his former wife hired the soldiers to force him to repay a debt that she claimed that he owed her from a failed business transaction. He claimed that the soldiers detained and beat him on two separate occasions, and they reportedly confiscated his car and approximately \$2,400 (16,320,000 cedis). Military authorities stated that the 64th Infantry Regiment, since it contains a detachment of police officers, has the authority to investigate civil cases and arrest suspects. They confirmed that the man was arrested and held, but denied that he was beaten or his property confiscated. The Government stated that it would investigate the case but had provided no additional information by year's end.

In June 2000, 25 off-duty soldiers attacked and injured more than 20 civilians, including a taxi driver who allegedly insulted a group of intoxicated soldiers the previous evening in the Asylum Down area of Accra. The first victim reported the incident to the police, and the police investigation continued at year's end. The military determined that suspects could not be identified as military personnel and dismissed the case. The affected civilians filed a complaint with the CHRAJ during the year.

In March 2000, police used tear gas and rubber bullets to disperse a crowd that gathered as a result of a dispute between 2 assemblymen in the Eastern Region town of Asutsuare; 68 civilians were arrested 3 days after the conflict, including 1 of the assemblymen. Some of those arrested claimed that police brutalized them during the arrest. Four months later, the other assemblyman involved in the dispute and some other civilians allegedly attacked farms and residents in Asutsuare, burning and looting homes. Members of the 64th Infantry Regiment were dispatched to control the situation. Two soldiers later were arrested and charged with gross misconduct and unprofessional behavior for taking sides in the dispute. The military reported that the soldiers were disciplined; however, the nature of the punishment was not revealed. Five policemen sent to arrest some of the offenders were attacked by those involved in the incident, and one policeman was injured seriously. Thirty men eventually were arrested, and 22 were remanded into custody on a charge of attempted murder. The District Chief Executive (DCE), the M.P., and the chief for the area exhorted citizens to resolve their differences. The M.P. also denied allegations that he had hired policemen to harass the inhabitants. The district assembly agreed to help resettle those whose houses were burnt. The military set up a committee to investigate the incidents and reported that the soldiers were disciplined; however, the military did not reveal the details of the punishment. A parallel government committee, which had been announced previously, did not meet during the year.

In January 2000, after reports were made regarding a series of disturbances, including arson and looting due to a conflict between two chiefs, 20 police officers arrived in Asankrangua, Western Region, to maintain order. Upon their arrival unknown persons shot at the officers, killing one and injuring another. A civilian also

was shot by another civilian. The police detained 70 persons during their investigation of the incident. Four persons accused of murdering the police officer were granted bail of \$6,000 (30 million cedis) pending further police investigation. The regional minister set up a committee of inquiry to look into the alleged looting and arson and submit recommendations to the minister. In addition the M.P. for the area requested that the police inspector further investigate allegations of police misconduct during the incident. Police burned houses, slaughtered animals, stole property, and assaulted civilians during the course of the incident. The case still was under investigation at year's end.

In January 2000, following a November 1999 traffic accident, a young man, whose 2-year relationship with the President's oldest daughter had ended, reportedly was abducted by members of the presidential guard and detained at the Castle (the President's office and residence). Reportedly the guards beat and threatened him. He claimed that members of the presidential guard shaved his head with a broken bottle. The man was released without charges two days later. During his detention, the man's parents protested outside the Castle gates without receiving any information regarding their son's whereabouts and were detained and later convicted of offensive conduct and assault on a public officer (see Section 1.e.). The First Lady stated that the man was arrested for a traffic offense, not abducted, and that his head was shaved for routine identification purposes. In July 2000, the young man left the country. In October an appeals court overturned the parents' conviction.

An investigation was ongoing at year's end into the January 2000 case in which a 65-year-old cocoa farmer from Dadieso in the Western Region alleged that a police inspector detained him for 2 days without bail and beat him after allegations that he owed the Government money.

There was no investigation into, nor action taken if necessary against the members of the security forces responsible for torturing, beating, or otherwise abusing the persons in, the following cases from 2000: The December assault of journalists from a private television station; the December inquiry of a journalist and an M.P.; the December use of rubber bullets and tear gas to disperse a crowd at the Supreme Court; the August use of tear gas and rubber bullets to disperse students of Yendi Junior Secondary School; the July use of water cannons to disperse a demonstration by trade union members (see Section 6.a.); the July beating and shooting of a man who resisted arrest; the July use of tear gas to disperse a group of civilians who attacked the Navrongo police station; and the June and January dispersals of student demonstrations.

The 1999 case in which off-duty soldiers clashed with civilians in Oshiye, resulting in several injuries, remained pending before the courts at year's end.

In 2000 the 1999 case of nine persons injured in a conflict between soldiers, policemen, and demonstrators in the Western Region town of Abontiakoon was forwarded to the Attorney General for advice. In 2000 the Circuit Court adjourned the case and released the defendants on bail. No further action was taken during the year.

There were no reports of progress in the investigations into the December 1999 confrontation between police and youths in Zabzugu, in the Northern Region, which resulted in the injuring of two youths. There were no reports of progress in the investigations of the February and April 1999 beatings of two Kumasi men by off-duty soldiers and "machomen." There were no developments in the May 1999 case of a man shot by customs officers in Dodo-Ammanfrom, Volta Region. A military investigation into the case of six persons reportedly injured by soldiers at Nkunkum, Eastern Region, concluded that there was no evidence of involvement by members of the military. The police have taken no further action.

No action was taken against police who beat student demonstrators in August 1999.

"Machomen" (party thugs) and land guards, private security enforcers hired by citizens to settle private disputes and vendettas, caused injury and property damage during the year. The machomen are not constituted legally, but organized privately and operate outside the law. Police arrested a land guard in the Greater Accra Region who was accused of involvement in a killing over a land dispute. The land guard was remanded into custody and was awaiting trial at year's end.

There were credible reports of several clashes between supporters of the ruling and opposition parties, some of which resulted in injuries. On January 31, a group of NPP activists armed with clubs and machetes attacked NDC supporters in Asutuare, Greater Accra Region. Approximately 30 persons were injured, some seriously. The police arrested 11 persons and stationed additional officers in the town to maintain order; all of the suspects were released on bail. A police investigation determined that the cause of the clash was a long-standing chieftancy dispute rather than political tensions. The local assemblyman, identified by town residents as the leader of the assault, was accused of assaulting a police officer in 2000; however, he has not been arrested. Residents of the town and opposition party leaders, including the M.P. for the district, have disagreed publicly with the police's findings, describing the clash as a coordinated attack on NDC supporters. In February

the Minister of Interior said a commission of inquiry would be established to look into the incident, but it had not been convened by year's end. Many residents reportedly were afraid to return home for fear of further attacks. The case was not called to court by year's end.

In May during the annual drumming ban by Ga traditional leaders, groups of young men attacked charismatic churches, which resulted in injuries (see Section 5).

During the year, chieftancy disputes led to numerous injuries (see Section 5).

The press reported numerous cases of vigilante style "instant justice" conducted by angry citizens and mobs on suspected criminals and suspected witches that led to a number of deaths and injuries (see Section 5).

Prisons in most cases are maintained very poorly and conditions are harsh; 106 inmates died of various diseases in the country's prisons in 2000. However, according to the CHRAJ Year 2000 Inspection Report, which was not released publicly by year's end, prison conditions have improved over previous years. The Director General of Prisons has described the prisons as overcrowded and underfinanced and has stated publicly the need to improve living conditions for the prisoners. Three of the country's largest facilities, which were intended to hold 1,600 inmates, currently hold approximately 3,800. The Ghana Prisons Service 2000 Annual Report stated that the average number of prisoners in lock-up on a monthly basis was 9,507, an increase of 3.5 percent from 1999. Bedding was available for only 30 percent of the inmates, and there was no funding for clothes. Medical facilities are inadequate and the prisons supply only the most basic medicines. Overcrowding contributed to a high prevalence of communicable diseases. In February the prisoners' daily food allowance was increased to approximately \$.35 (2,500 cedis), bringing the total daily allowance to \$.55 (3,900 cedis). In August the Director General asked the Government to increase the daily food allowance to at least \$.57 (4,000 cedis). Prisoners rely on families or outside organizations for additional food, medicine, and other supplies. In 2000 106 prisoners died in the country's prisons, 5 from malnutrition, 20 from HIV/AIDS, 17 from tuberculosis, 11 from diarrhea or dehydration, and the rest from other illnesses. While the Government has agreed that conditions in the prisons are not acceptable, it has stated that lack of funding prevents further improvements.

Juvenile offenders are supposed to be sent to a dedicated facility; however, this facility is underutilized, and the CHRAJ and the Prisons Service confirmed reports of some children as young as 14 years old housed with the general prison population. Women are housed separately from men; pretrial detainees are housed with convicted prisoners.

The Prisons Service has formed an assessment team to inspect facilities. In April 2000, the Minister of Interior stated that the Prisons Service would recruit 288 persons to increase staff at the prisons and that work would begin by the end of 2000 to upgrade prison and staff accommodations and construct three new prisons; however, no steps were taken to implement these measures by year's end.

The Prison Service Council visited Central and Volta Region prison facilities in early 1999. Following these inspections, the Council suggested that prison authorities adopt a more humane approach to dealing with prisoners. The Council identified the number of remand prisoners due to the courts' inability to hear cases promptly as the greatest problem facing the prison system. Some suspects allegedly plead guilty in order to be sent to prison and leave the unsanitary conditions in the police remand cells. The Council also criticized health hazards (including poor sanitation) and the state of prison structures. In a 1999 speech at a prison officers' graduation ceremony, President Rawlings stated that the Government was considering the introduction of parole, suspended sentences, and community service as a way to alleviate the overcrowding in prisons; however, no steps were taken to implement these measures by year's end.

In April 2000, then-President Rawlings granted amnesty to some 1,000 prisoners based on the recommendations of the Prisons Service Council. Many had served one-third of their sentence, and none had been convicted for rape, robbery, or narcotics. However, a retired military officer from the PNDC era, who had been sentenced to death after being convicted of killing an intruder on his farm, also was released after serving 10 years in prison. The President also convened a medical board to consider early release for 156 seriously ill or aged prisoners. The Government announced no amnesties or pardons during the year.

While the CHRAJ has access to the prisons, the Government resisted granting access to the press. The Government permitted foreign diplomats to visit prisons during the year. Nongovernmental organizations (NGO's) are not given access to prisons on a routine basis.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. The Constitution provides for protection against arbitrary arrest, detention, or exile and states that an individual detained shall be informed immediately, in a language that the detained person understands, of the reasons for the detention, and of the right to a lawyer and to an interpreter, at state expense. It also requires judicial warrants for arrest and provides for arraignment within 48 hours. However, in practice many abuses occur, including detention without charge for longer than 48 hours and failure to obtain a warrant for arrest. Authorities routinely do not notify prisoners' families of their incarceration; such information often is obtained only by chance. Human rights activists criticized the common practice of arresting persons on Friday and keeping them in detention over the weekend until court was in session on Monday, which they described as a deliberate circumvention of the 48-hour detention rule.

The court has unlimited discretion to set bail, which can be prohibitively high. The court may refuse to release prisoners on bail and instead remand them without charge for an indefinite period, subject to weekly review by judicial authorities. The Constitution allows judicial authorities to hold citizens for up to 48 hours without filing charges against them. However, in practice it is common to remand a prisoner to investigative custody. The Constitution requires that a detainee who has not been tried within a "reasonable" time be released either unconditionally or subject to conditions necessary to ensure that he appear at a later date for court proceedings. In June 1999, the CHRAJ reported that there were a number of remand prisoners held for periods ranging from 1 week to 8 years. As of July 2000, approximately 20 percent, or approximately 2,000 of the 9,783 inmates nationwide, were remand prisoners. In October 2000, the acting Ashanti Regional Director of CHRAJ stated that more than one-third of the inmates of Kumasi Central Prison are remand prisoners. One-third remain in prison even after the warrants committing them to prison had expired. He criticized the judicial system for imposing prison sentences instead of levying fines, which could prevent further overcrowding of the prisons.

Despite the provisions of the law, abuses occur. At times persons are detained for trivial offenses or on unsubstantiated accusations.

Government officials stated that the use of armed forces personnel in the maintenance of law and order would cease; however, the military continued to participate regularly in law enforcement activities during the year (see Section 1.f.).

On March 28, a combined team of police and military personnel arrested 41 persons in Yameriga, Upper East Region, while searching for evidence in the murder of a police officer. It was unknown if the persons still were in detention at year's end.

On April 13, the BNI arrested the former Auditor General; he was released on bail. Security officers searched his residence and confiscated 39 papers. In May the Government dropped all charges after determining that the confiscated documents were not classified.

On May 12, BNI questioned an NDC M.P. about his alleged role in instigating riots in the Accra districts of Nima and Kotobobi following the Accra stadium incident (see Sections 1.a. and 1.c.). The BNI detained the M.P. for 2 days after questioning him in the presence of his lawyer; he was released on bail, and no charges were filed. Armed security personnel reportedly searched his two houses in Greater Accra.

On June 8, a contingent of police and military personnel surrounded the compound of former president Rawlings for 2 hours. On June 9, police and BNI officers forcibly entered an adjacent house and arrested a Belizian national who is a long-time confidant of Rawlings, and searched the house for weapons; no weapons were found. Government officials said the operation was not aimed at Rawlings. On September 27, an Accra High Court ordered the BNI to produce the Belizian national in court and justify his continuous detention since June; however, the man remained in BNI custody at year's end.

On August 16, a team of security officers raided the residence of the National Organizer of the EGLE (Every Ghanaian Living Everywhere) party, a small party that formed part of the Progressive Alliance led by the NDC (see Section 1.f.). Security personnel reportedly detained a watchman from NDC headquarters and forced him to lead them to the National Organizer's home.

On August 21, soldiers and police arrested the linguist of the chief of the Sefwi Wiawso Traditional Area, Western Region, when they searched the homes of both the linguist and the chief (see Section 1.f.). There was no further information available at year's end.

On August 21, soldiers and police searched the palace of the chief of the Sefwi Wiawso Traditional Area, Western Region. The chief, who was a member of the Council of State under the former NDC Government, was not home at the time, and the security officers forced a local sub-chief to grant them access to the



palace. The home of the chief's linguist also was searched, and the linguist arrested (see Section 1.d.). Local NDC M.P.'s criticized the raids. No weapons or ammunition were found, and the IGP directed the Western Regional Police Commander to apologize to the chief. On August 22, President Kufuor mentioned the events at Sefwi Wiawso when he called for inquiries into recent police activities.

Police and military used checkpoints and mass arrests while searching for criminals (see Section 2.d.). On August 27, law enforcement and military personnel arrested 200 persons in Kumasi. According to the police, the exercise was intended to flush out suspected criminals. The authorities released 170 persons without charge; 30 persons were arraigned; 28 persons were remanded into police custody; and 2 persons were granted bail.

The opposition NDC claimed that the Government used anti-corruption investigations to intimidate and harass its members. The NDC claimed that its members were subject to questionable arrests, illegal searches and seizures, and forced resignations of civil servants perceived to be loyal to the former government. Investigators repeatedly questioned former government officials, including the former Minister of Finance on 35 occasions. The NDC, which stated that its members would no longer cooperate with such questioning, insisted that the Government take such cases to court. The Government denied charges that it harassed opposition figures, insisting that the police and judiciary were engaging in legitimate investigations of purported corruption and other offenses.

In November 2000, the BNI briefly detained a television presenter and the editor-in-chief of a private newspaper. In January the Government dropped the charges upon assuming power, and the journalists are no longer required to report to BNI (see Section 2.a.).

In August 2000, members of the 64th Infantry Regiment allegedly abducted and illegally detained a man on two separate occasions. After his former wife allegedly hired the soldiers to collect a debt, he was detained for more than 2 weeks. He claims that the soldiers confiscated his car and approximately \$2,400 (16,857,600 cedis). The military claims that the man was arrested and detained on charges of fraud, but not abused. During the year, there were no developments in the case, which remained under investigation (see Section 1.c.).

In June 2000, three European politicians were detained by BNI officers, prevented from leaving the country, and held overnight at police headquarters on allegations of illegal transfer of funds and breach of security. The politicians were visiting the country on business and to consult with opposition party leaders, who alleged that the politicians' detention arose from their association with the opposition. The politicians left the country shortly thereafter, and no further action was taken in the case.

In January 2000, police detained 70 persons during an investigation into violence related to a chieftancy dispute in Asankranguaa (see Section 1.c.). It was unknown at year's end whether they had been released.

In 1999, after a Muslim-Protestant conflict in the Central Region town of Agona Nyakrom, police arrested more than 700 men and brought them to Accra for investigation (see Section 2.c.). More than 650 of them then signed bonds to be on good behavior; 30 others, including a chief, were detained. The case still was pending at year's end.

In 2000 nine suspects were charged formally in the November 1998 murder of two policemen in Ablekuma following the Attorney General's completion of a bill of indictment. Prosecution was ongoing at the High Court at year's end.

The Government has not implemented any meaningful policy to reduce the number of pretrial detainees, although the independent press has called for reduction of harsh bail conditions for suspects who do not pose a threat to society. The Attorney General drafted a bill that would provide alternative dispute resolution methods to clear the court backlog, including a time limit on pending cases and was scheduled to forward it to the Cabinet during the year; however, no legislation was introduced to Parliament during the year. Many credible sources report that private citizens pay the police to arrest business associates in deals gone awry. A 1996 CHRAJ report on prison conditions recommended improvement in the administration of criminal justice, which currently denies many citizens their constitutional rights to be charged within 48 hours, to have bail posted within the same period, and to a speedy trial. Approximately one-third of the country's prison population are in remand custody awaiting trial. Some remain in remand for years without their cases being heard in court (see Section 1.e.). There was no further information on the case of a farmer in the Volta Region who has been in remand for 10 years. He is suspected of poisoning and killing another farmer but has yet to be formally charged.

On July 30, the Attorney General filed a motion to end the prosecution of a former army sergeant accused of

involvement in an alleged 1994 plot to overthrow the Government. The sergeant, who had been held in jail without bail for 7 years pending legal proceedings, was freed (see Section 1.e.).

Rural women can be punished with banishment by traditional village authorities for being pregnant out-of-wedlock or for suspected witchcraft. The press reported that hundreds of women accused of witchcraft were sent to penal villages in the Northern Region by traditional authorities such as a shaman (see Section 5). Foreign diplomats and NGO representatives who visited them estimate that there are between 550 and 1,150 accused witches, the vast majority of them women, living in the camps; however, in the previous year, CHRAJ estimated that more than 5,000 women are residents in witches' camps in the Northern Regions. Although the women face no formal legal sanction if they leave, most fear they may be beaten or lynched if they do so (see Section 5).

In 1999 the Presbyterian Church sponsored a "go home" project to reintegrate into society women accused of witchcraft and forced to live at the Gambaga "witches" village. A total of 55 of 200 such women have reunited with their families. The project also provided for loans to enable the liberated women to become more financially independent and to contribute to the well being of their families.

The Government does not practice forced exile and encourages citizens, including dissidents living abroad, to return. Some former government and PNDC officials have returned and resumed careers and political activities.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary appears to be subject on occasion to executive influence. The Constitution mandates Superior Courts of Judicature consisting of the High Court (of Judicature) and Regional Tribunals, the High Court of Appeals, and the Supreme Court. The Constitution allows the Government to nominate any number beyond a minimum of nine members to the Supreme Court; confirmation is the responsibility of Parliament. The Chief Justice is empowered to impanel the justices of his choice to hear cases. These provisions, along with a debilitating lack of resources, have called into question the court's role as a balance to the power of the executive branch and contributed to the perception that the judiciary occasionally is subject to executive influence. The integrity of the legal system is compromised by a severe lack of financial, human, and material resources. There were no official charges of corruption on the part of judges; however, in September 1999, a privately owned paper published an alleged report by the Serious Fraud Office that found evidence of malpractice in the awarding of contracts by the judicial service. The Government had not responded to the report by year's end.

The Constitution establishes two basic levels of courts: superior and lower. The superior courts include the Supreme Court, the Appeals Court, the High Court, and regional tribunals. In March the Acting Chief Justice of the Supreme Court inaugurated two Fast Track Courts, a division of the High Court of Judicature, intended to try cases to conclusion within 6 months. The Fast Track Courts are authorized to hear cases involving banks and investors, human rights, electoral petitions, government revenue, prerogative writs, defamation, specified commercial and industrial cases, and criminal cases involving substantial public money or are a matter of extreme public importance. In the first 4 months of operation, 76 cases were filed before the Fast Track Court, 56 of them civil and 2 criminal; 13 were completed. The Government announced plans to establish Fast Track Courts throughout the country. Parliament may establish lower courts or tribunals by decree. The CHRAJ provides a forum to which citizens with grievances against government agencies or private companies can bring cases for mediation and settlement (see Section 4).

In June and September, following calls from the Ghana Bar Association and other legal organizations, the Attorney General stated that the Government would move to abolish Community Tribunals, which are run by appointed panels and police, and replace them with magistrate courts.

Legal safeguards are based on British legal procedures. Defendants are presumed innocent, trials are public, and defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. In practice the authorities generally respect these safeguards.

In July Parliament repealed the Criminal Libel and Seditious Laws through an amendment to the Criminal Code. According to the Amendment, all prosecutions instituted under the repealed laws pending before any court or tribunal were discharged (see Section 2.a.).

The trial of five defendants for allegedly plotting to overthrow the Government in 1994 concluded in 1999. A special court convicted and sentenced four of the defendants to death and acquitted the fifth defendant for lack of evidence. Attorneys for the four convicted defendants appealed the judgment. A sixth suspect, a former

officer who allegedly was part of the plot, was released from prison. He contested his arrest on the grounds that he was brought to Ghana illegally from Sierra Leone; his case was dropped.

There are frequent reports that a large number of prisoners are held in detention for extended periods, sometimes years, without going to trial (see Section 1.d.). For example, a man was arrested in December 1995 on charges of robbing a taxi driver of \$30 (60,000 cedis) and the contents of the driver's wallet. The accused appeared at the Accra High Court 17 times, only to have the case adjourned each time without proceeding to trial. In November 1999, an appeal for bail was filed on the defendant's behalf on the grounds of unreasonable delay in going to trial. In June after 4 1/2 years in custody, the High Court judge granted bail to the defendant on the basis that he could not guarantee when the case would finally come to trial given the number of cases pending before the court. The Attorney General has drafted a bill that would provide alternative dispute resolution methods to reduce the court backlog, including a time limit on pending cases.

In June it was discovered that two men arrested for murder in 1991 had been in prison in Wa, Upper West Region, for 10 years without trial. According to the men, their last court appearance was before the Wa High Court in 1997. They have filed appeals with the CHRAJ and the Inspector General of Police.

The CHRAJ's charter provides for it to investigate alleged violations of human rights and take action to remedy proven violations. It continues to hold workshops to educate the public, traditional leaders, the police, and the military on human rights issues. It mediates and settles cases brought to it by private individuals with grievances against government agencies or private companies.

The law gives village and other traditional chiefs power to mediate local matters and enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. However, a number of laws passed during the PNDC era (1981-92), as well as the 1992 Constitution, have eroded steadily the authority of traditional rulers and vested it in civil institutions, such as courts and district assemblies.

There were no reports of political prisoners.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, this provision has yet to be tested in court, and in practice the Government infringed on these rights at times. Although the law requires judicial search warrants, police do not always obtain them in practice.

Security forces conducted a number of searches of the homes of opposition party members, ostensibly looking for illegal arms caches or evidence of corrupt activities. Police sometimes arrested persons during searches (see Section 1.d.).

On February 21 in Tamale, Northern Region, a team of soldiers and police searched for weapons in the house of an NDC activist, who was not home at the time; no weapons were found.

On April 13, BNI security officers searched the residence of the former Auditor General and confiscated 39 papers (see Section 1.d.).

On June 9, police and BNI officers forcibly entered and searched a house adjacent to former president Rawlings (see Section 1.d.).

On August 16, a team of security officers raided the residence of Alhaji Sedi, the National Organizer of the EGLE. In August President Kufuor reportedly directed the Interior Minister to investigate three recent cases in which military and police personnel allegedly raided the homes of civilians. Security personnel reportedly detained a watchman from NDC headquarters and forced him to lead them to the National Organizer's home. The National Organizer claimed that the police refused to show him a warrant and told him they were searching his house for counterfeit foreign currency. Security forces left when they found no currency; there were no arrests. Police sources later said they had been looking for weapons. The Government has authorized an investigation into the matter, but no results had been announced by year's end. Opposition party activists claimed that the Government was engaged in surveillance and harassment of those perceived to be opposed to the ruling party. Opposition parties, and some persons in private business, continue to allege that some government contracts are awarded on the basis of ruling party membership and that government officials pressure businesses to steer contracts toward favored companies and individuals.

On August 21, soldiers and police searched the palace of the chief of the Sefwi Wiawso Traditional Area,

Western Region. The chief, who was a member of the Council of State under the former NDC Government, was not home at the time, and the security officers forced a local sub-chief to grant them access to the palace. The home of the chief's linguist also was searched, and the linguist was arrested (see Section 1.d.). Local NDC M.P.'s criticized the raids. No weapons or ammunition were found, and the IGP directed the Western Regional Police Commander to apologize to the chief. On August 22, President Kufuor mentioned the events at Sefwi Wiawso when he called for inquiries into recent police activities.

On February 6, local officials using two bulldozers belonging to Abosso Goldfields Limited, a local mining firm, and acting under the auspices of the local District Security Council, demolished the village of Kyekywere, Western Region. Village inhabitants claim that local officials told them they were acting on the instructions of Abosso Goldfields. No injuries were reported; however, approximately 200 people were left homeless, and damage was estimated in the thousands of dollars (millions of cedis). According to Abosso Goldfields, which claims that it owns the land, the villagers agreed to move to a new village that the company was building for them, but the villagers began demanding additional compensation for lost crops. According to the company, it had permission from the Western Regional Security Council to demolish the village, and it also had a contract signed by the residents of Kyekywere.

In April 1999, a combined municipal and military team without due process demolished a private hotel in Accra, which they claimed was blocking a drainage route. The owner of the hotel allegedly had fallen out with the then-ruling party prior to the demolition. On May 23, the owner filed a \$5 million (34.5 billion cedis) lawsuit against the Accra Metropolitan Assembly (AMA), the former Chief Executive, and the Attorney General, contending that the demolition constituted trespassing and unlawful interference in the owner's civil rights. No hearing date had been set by year's end.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and in practice these provisions generally were respected; however, there were occasional reports that government officials pressured government media outlets to cease or minimize coverage of opposition politicians. Opposition political parties and others frequently criticize the Government, and the Government has allowed more control of print and electronic media to be transferred to the private sector. In February 2000, the Supreme Court ruled in a 4-year-old case that the President cannot appoint chief executives to the state-owned media. Unlike in the previous year, only one libel suit was filed by a minister. Major government media outlets exercise some restraint in their coverage.

There are more than a dozen newspapers including three government-owned dailies, two government-owned weeklies, and several privately owned newspapers published daily, weekly, biweekly, or triweekly. Several of the privately owned newspapers increased to daily circulation from weekly or bi-weekly. Two of the government-owned dailies have national circulation. However, most newspapers circulate only in regional capitals, and many of the smaller private newspapers are available only in Accra. Unlike in previous years, there were no reports that some independent newspapers were unable to obtain advertising revenues due to government pressure on businesses.

The government-owned media reported extensively on charges of corruption or mismanagement by government officials in the previous administration; they increasingly criticized the Government's policies. State-owned media reported some allegations of corruption or mismanagement by officials in the Kufuor Government. During the year, there were occasional editorials in the state-owned media critical of the Government. There were no reports that the Government disciplined or dismissed journalists working in state-owned media for stories deemed unacceptable. The Government ended its subsidy of one newspaper, but continued to finance partially another newspaper.

Some privately owned newspapers were harshly critical of the Government's policies and of President Kufuor and his ministers and advisors. The Government at times alleged that some reporters and editors failed to abide by professional ethical guidelines. On many occasions, both the Government and National Media Commission (NMC), a constitutionally mandated independent government body, publicly urged the media to act responsibly.

On July 27, Parliament repealed the Criminal Libel and Seditious Laws through an amendment to the Criminal Code. The laws provided for 10 years' maximum imprisonment for reporting intended to injure the reputation of the State. According to the Amendment, all prosecutions instituted under the repealed laws pending before any court or tribunal were discharged (see Section 1.e). At year's end, many civil libel cases were still pending; however, the voluntary use of the NMC as an alternative mediating body to the courts, increased. The NMC is

charged with maintaining journalistic standards, including the investigation, mediation, and settlement of complaints made against or by the media; however, it does not have legally binding authority to implement its recommendations. Resolutions recommended by the NMC include retraction, apology, and the printing of rejoinders. Of the 79 cases reviewed as of October 4, 45 cases were resolved, 4 were withdrawn, and the remaining cases were pending; 50 cases were brought by private individuals, 4 cases by former government ministers, and 25 cases by organizations or institutions. Seventeen cases were brought against state-owned media, and 62 cases against the privately owned media. Two cases were resolved in favor of the media, one each for the state-owned and private media. The NMC has published its standards and guidelines.

There were claims that independent journalists occasionally blackmailed individuals and organizations by threatening to print negative articles if they were not paid. On October 2, the Ghana Journalists Association suspended a journalist from the Ghanaian Times following an investigation into allegations that he offered not to print a negative story about a businessman in return for payment; the businessman did not pay the journalist, and the story ran on August 29.

Unlike in the previous year, there were no reports of harassment or intimidation by the police or security forces against the media.

In December 2000, NDC party sympathizers assaulted journalists from a private television station who were covering a press conference at NDC headquarters in Accra. The journalists alleged that the persons who assaulted them were "machomen." One journalist was injured and hospitalized briefly. The NDC issued a statement apologizing for the incident and disassociating itself with the assault. No charges were pressed.

In November 2000, BNI officials arrested and detained for questioning two journalists. One of the journalists, a presenter for a government-owned television station, was arrested on the charge of insulting behavior after he criticized, during a public broadcast, President Rawlings' behavior at a political rally. He was released that evening on bail of \$7,350 (50 million cedis). Charges were never pressed. The second journalist, the editor-in-chief of a private newspaper, was held for nearly 12 hours for questioning on a charge of "dishonestly receiving" information. He allegedly had received computer diskettes, apparently stolen from NDC headquarters, which contained information on alleged plans for election fraud on the part of the NDC. The editor was released on bail \$735 (5 million cedis). In December 2000, he was charged with the equivalent of possession of stolen goods and ordered to report to BNI three times a week until the case is concluded. The Ghana Journalists Association and the Private Newspaper Publishers Association criticized the arrests and the BNI's role in the incident, which they stated circumvented due process. In January the new Government dropped the charges upon assuming power, and the journalists were no longer required to report to BNI.

In November 2000, two computer technicians were arrested, charged with giving the journalist the diskettes, and remanded into BNI custody. On the same day, the Minister of Communications accused the journalists of misleading the public and defended the role of the BNI by noting that it may legitimately assist police in investigations as necessary. The technicians were not charged, and the case was dropped during the year.

In September 2000, military police acting under orders from the Deputy Minister of Defense detained the news editor of an Accra newspaper. Earlier that day, the editor had attempted to contact the Deputy Minister after receiving an allegation that he had threatened a guard at a local security company. The editor was released later that day. The journalist filed a complaint with the CHRAJ against the former Deputy Minister. The first hearing before the CHRAJ was completed, and a second hearing was scheduled for the last quarter of the year; however, there was no further information available at year's end.

According to the National Communications Authority, Accra has 1 government-owned and 12 private FM radio stations, and there are approximately 40 private FM stations across the country. Most stations are independent and air a wide range of viewpoints. There is one government owned television station that broadcasts nationwide. There are two semi-private television stations that broadcast in the Greater Accra, Eastern, and Ashanti regions. There are three cable networks broadcasting in the Greater Accra Region, two of which also broadcast in Kumasi. There is one private television station broadcasting in Kumasi.

The opposition NDC claimed that Government media denied it equal access and coverage on numerous occasions. A former NDC Vice President claimed that on two occasions he was denied permission to appear on Ghana Broadcasting Corporation (GBC) radio stations and complained that a press conference he held in March was not broadcast live. GBC denied charges that it denied coverage to opposition figures, emphasizing that it covered notable events rather than individuals; however, government controlled media does give greater exposure to Government officials.

During the year, the Government appointed the Minister of Communications to be the chairman of the National Communications Authority (NCA), the body responsible for allocating bandwidth and broadcast media

licenses. According to media organizations, the NCA should be independent of the Ministry of Communications, and the Minister's appointment represented a conflict of interest. The media also claimed that the new board members were appointed without proper consultation with the Council of State, as required by the NCA Act. There were some complaints regarding delays in obtaining bandwidth and licenses for broadcast media.

In July the Government resumed an investigation into the substance of a tape publicized in October 1999 that appeared to implicate President Rawlings in several infamous extralegal actions of the predemocratic era. The Government did not pursue prosecution of the journalists and publisher involved in the broadcast of the tapes; however, it did call one journalist in for questioning as a material witness.

The Government readily granted accreditation to foreign journalists. The British Broadcasting Corporation (BBC) and Radio France International have full-time FM rebroadcasting stations in Accra, and several foreign radio broadcasts, including Voice of America (VOA), have part-time affiliations with local stations in several cities. Foreign periodicals were sold in Accra and other major cities and circulated freely even when they contained articles critical of the Government. Most citizens obtain their news from the electronic media, the VOA, and the BBC radio service. Several companies have cable or satellite rebroadcasting stations that serve the country's three major cities.

In the period prior to the 2000 presidential and parliamentary elections, the government-owned television and radio stations allotted equal broadcasting time to each of the parties fielding presidential candidates, although news coverage of government activities such as the commissioning of projects favored the ruling party. During the 2000 presidential and parliamentary elections, FM radio stations acted as watchdogs, and called attention to irregularities in the voting process.

There were seven Internet Service providers (ISP's) in the country at year's end. In July 2000, the National Communications Authority closed three other ISP's on the grounds that they were providing Internet telephone services, which violated a 5-year exclusivity agreement that the Government had given to two telephone companies. The companies replied that they were unable to monitor telephone use of their ISP and should not be held responsible for such use. The Government maintained that such use could be monitored.

The Government does not restrict academic freedom. Academics are allowed to publish and pursue research. The National Union of Ghanaian Students, one of the more vocal critics of the Government, is allowed to organize and hold meetings. In March students at the University of Cape Coast protested against new academic standards; in July nine students were suspended for between 2 and 3 academic years for their participation in the protests. Following National Union of Ghanaian Students (NUGS) threats to protest, the Minister of Education met with the students to discuss their grievances. The University Council subsequently agreed to review the new academic standards and, following a public appeal from President Kufuor, pardoned and reinstated the students. The ban on campus demonstrations remained in effect during the year; however, it never has been enforced. In May the Ministry of Education began discussions with student representatives at the University College of Education Winneba (Central Region) to resolve student demands for a refund of \$7.10 (50,000 cedis) from their student fees. Students had held demonstrations and boycotted classes for 3 days. Unlike in previous years, police did not disperse forcibly any student protests during the year (see Sections 1.c. and 2.b.).

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly, and the Government generally respects this right in practice; however, at times it restricted this right. The Government does not require permits for demonstrations. The law requires that all organizers of "special events" or "processions" inform the police of their intentions at least 5 days in advance so that the police can institute precautionary measures. The law also provides for curfews and arrest without warrants in specified instances. Unlike in previous years, there were no reports that government or ruling party officials called demonstrations by registered political parties attempts to destroy the country's democratic order.

The Government permitted several peaceful demonstrations and rallies during the year. On April 2, approximately 600 workers staged a peaceful demonstration at the premises of Ghana Consolidated Diamonds Limited (GCD) in Akwatia, Eastern Region, to protest plans for the company's divestiture (see Section 6.a.).

On June 4, the anniversary of the date of his first coup, former President Rawlings, and other opposition leaders, spoke at a rally in Accra attended by hundreds of NDC supporters. Rawlings accused the Government of harassing and intimidating NDC activists and denounced the removal of June 4 as an official holiday. There were no reports of violence, and the rally dispersed peacefully.

On June 11, the previously unknown Coalition for the Defense of Democracy (CDD), held a march to oppose what they described as anti-democratic statements made by former president Jerry Rawlings on June 4. Hundreds of persons marched through the city and gathered on the grounds of the Accra Sports Stadium, where organizers addressed the marchers. The march ended at the Parliament building where the CDD leadership presented a petition to the Speaker of Parliament. Security forces guarding the route prevented the marchers from proceeding past former President Rawlings' house as planned. There were no reports of violence or injuries.

However, on at least one occasion, police used force to disperse a demonstration. On March 19, police used rubber bullets to disperse a group of workers who were blockading the factory at the Ghana Textile Manufacturing Company (GTMC) (see Section 6.a.).

Unlike in previous years, the police did not disperse forcibly any student demonstrations; in May students demonstrated for 3 days at the University College of Education Winneba (see Section 2.a.). The ban on campus demonstrations remained in effect during the year; however, it never has been enforced.

Political parties held rallies and national congresses without hindrance during the year. However, in 2000 under former President Rawlings, police prevented the National Reform Party (NRP) from holding a rally in the Labadi district of Accra, although the NRP had given the police the required advance notice of the event. Allegedly the police stopped the rally to prevent potential conflict because the NDC had planned a rally for the same day. The NRP held its rally at a later date.

In 2000 Accra textile traders were told that they could not hold a demonstration to protest a textile price hike because they lacked a police permit, although there is no legal requirement for a permit.

No investigation was conducted into the forcible dispersal of demonstrations in July and December 2000.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. NGO's are required to register with the Registrar General's office and the Department of Social Welfare, but this registration is routine.

The Electoral Commission (EC) must accredit political parties. The parties must show evidence of a "national character," such as official representation in all 10 of the country's regions. The EC evaluates whether the party has shown evidence of a viable national support base before granting accreditation and can annul the registration of a party that fails to meet the criteria for being a viable party. In July 1999, the EC certified a breakaway faction of the ruling party as a political party in its own right.

The Government generally respects freedom of association; however, in February the Government announced that it would prohibit the existence and formation of all political groupings within the security services. This included the banning of the "Association of Committees for the Defense of Revolution" (ACDR's), which served as NDC support organizations within the security services and in military and police barracks, as well as prohibiting the formation of "Danquah-Busia Clubs" or other support organizations for the ruling NPP. According to the Minister of Interior, members of the military and security services were free to join political parties and associations; however, such activities were prohibited within police and military compounds.

### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there are some limits to this right. The Government does not always prosecute those responsible for religiously motivated attacks. There were no prosecutions during the year. Police authorities said that pursuing the cases only would exacerbate tensions.

Religious institutions that wish formal recognition are required to register with the Registrar General's Department. This is a formality only, and there were no reports that the Government denied registration to any group. Most traditional religions, with the exception of the Afrikania Mission, do not register. Formally recognized religions are exempt from paying taxes on ecclesiastical, charitable, and educational activities that do not generate income from trade or business; however, religious organizations are required to pay taxes on business activities that generate income.

Foreign missionary groups generally have operated throughout the country with a minimum of formal restrictions.

The Government requires that all students in public schools up to the equivalent of senior secondary school level attend a daily "assembly" or devotional service; however, in practice this regulation is not enforced always. This is a Christian service and includes the recital of The Lord's Prayer, a Bible reading, and a blessing. Students at the senior secondary school level are required to attend a similar assembly three times per week. Students attending government-administered boarding school are required to attend a nondenominational service on Sundays (see Section 5). However, in September 2000, officials from the Ministry of Education met with the Ghana Muslim Students' Association (GMSA) to discuss a petition concerning acts of discrimination against Muslims in some institutional organizations. Following the meeting, the Director General of the Ghana Education Service announced new regulations for all public educational institutions, including the stipulation that students of minority ethnic groups should not be forced by school authorities to worship with the majority religious groups in school; however, the regulations were not finalized or published by year's end. Afrikania also publicly has urged the Government to stop requiring Christian "indoctrination" of children in all government-funded schools.

In 2000 the Ho (Volta Region) DCE led a joint operation with police and health personnel to immunize the children at an Apostolic Faith of Kpalexose ("Well-rooted Faith" in the Ewe language) church against poliomyelitis. Church members consistently have refused immunizations on the grounds that their faith forbids the use of orthodox medicine. Police surrounded the church during worship services, and health personnel administered the vaccine. It was reported that 155 children up to age 5 received the vaccine. Community response supported the overriding of individual religious convictions as being in the greater national interest of eradicating polio. However, a prominent human rights NGO criticized the forced immunizations because it was not applied consistently. Other guardians who had refused to immunize their children were not compelled to do so, and only approximately half of the children countrywide were immunized. The NGO argued that the Government should enact legislation compelling all children to be immunized before it could legitimately force guardians to immunize their own children. In 2000 a government medical team, assisted by the police, forcibly immunized approximately 40 children from the First Century Gospel Church (Faith) in Jamestown, Accra, against poliomyelitis. When church members resisted the team's attempts to conduct the immunizations, police arrested seven persons, including the church's pastor. There were no further updates on the case during the year.

Although the law prohibits involuntary servitude, *Trokosi*, a form of religious servitude usually lasting no more than 3 years, exists on a limited scale. Government agencies, like CHRAJ, have been campaigning actively against *Trokosi* for years. Supporters of traditional African religions, such as the Afrikania Renaissance Mission, have said these activities constitute discrimination against indigenous religious beliefs (see Section 5).

In previous years, the Government took some steps to promote interfaith understanding. Unlike in 2000, the Government made no attempts to mediate between charismatic Christian churches and ethnic Ga traditionalists in the period prior to the annual ban on drumming. On May 7, the first day of the ban, the Ga Traditional Council (GTC) announced that the agreement it had reached with local churches in 2000 was not applicable during the year and that the ban would apply to all drumming and noise-making. Leaders of charismatic Christian churches countered that the ban was unconstitutional and that they would not observe it. Several incidents of violence were reported during the year's ban on drumming (see Section 5).

The Catholic Church in the Archdiocese of Accra, after an official investigation, officially suspended a priest in 2000 for conducting unorthodox "healing" services. When he was conducting one of these services, the gates to the Cathedral were locked, and police personnel prevented worshipers from entering the church premises.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice.

Citizens and foreigners are free to move throughout the country. Police checkpoints exist nationwide to prevent smuggling, but most are unmanned during daylight hours. Security officers man checkpoints nationwide to prevent smuggling, seize illegal weapons, and catch criminals. On September 8, the Ghana Police Administration announced that police would erect security checkpoints throughout the country in response to an upsurge in highway robberies; periodic customs checkpoints and patrols were established by year's end. The IGP has advised Regional Police Commanders to monitor the activities of police personnel working at the checkpoints. There were numerous reports that police used checkpoints to solicit bribes. Police roadblocks and car searches are a normal part of nighttime travel in larger cities. In February and August 1999, taxi drivers struck in Koforidua to protest extortion by motor transport and traffic unit police, and in 2000 in Accra, police established additional roadblocks in an effort to combat a series of local murders of women (see Section 5). The police administration has admitted that the force has a problem with some members occasionally erecting illegal barriers to solicit bribes from motorists. In 2000 soldiers mounted checkpoints around the Brong-Ahafo regional capital of Sunyani and outside the Ashanti regional capital of Kumasi prior to national



elections. Both towns were opposition strongholds. The Government stated that it was responding to reports of arms movements before the elections; however, many observers viewed these checkpoints as an attempt to intimidate voters or to discourage them from travelling to vote where they were registered. Citizens generally are free to travel internationally and to emigrate or to be repatriated from other countries.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The country has a generally liberal policy of accepting refugees from other West African nations. The Government provides first asylum. It was estimated that there were between 13,000 and 16,000 Liberians, approximately 1,000 Togolese, and a small number of other African refugees in the country.

On June 10, 167 Liberians on board a Swedish vessel that docked in Tema were not allowed to disembark, while Ghanaian and Nigerian citizens aboard the ship were permitted to disembark. Officials said that the Liberians were not carrying proper travel documents and that none of them asked for refugee status. On June 11, the ship departed Tema with the Liberians on board. The Nigerian citizens were escorted to the border with Benin and allowed to continue their journey to Nigeria. On March 24, a mob of Liberian refugees from the Budumburam Refugee Camp in the Greater Accra Region rioted following the alleged attack on a refugee by a Ghanaian. Armed with sticks, stones, and knives, the rioters vandalized the local police and fire stations, set free prisoners in the police cells, destroyed police and fire service living quarters, and looted, inflicting damage estimated at thousands of dollars (millions of cedis). The mob also attacked vehicles on the Accra-Winneba road, which passes directly by the camp, damaging vehicles, burning tires, and harassing drivers. Police reinforcements, called in from Accra and Winneba, used tear gas and warning shots to control the crowd. Several rioters reportedly were injured and 24 were arrested. On April 18, they appeared in court and were charged with rioting, unlawful damage, and stealing. All pleaded not guilty; 18 were remanded into police custody, and 6 were granted bail.

There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government, and citizens exercised this right through a democratic process in presidential and parliamentary elections held in December 2000, which despite a few incidents of intimidation and election fraud, domestic and international observers judged to be generally free and fair. The country continued its transition from a one-party state to a more established multiparty constitutional system. The political system includes recognized opposition parties, which express their views freely within Parliament and won a near majority of the parliamentary seats in the 2000 election.

The Constitution calls for a system of checks and balances, with an executive branch headed by the President, a unicameral parliament, an independent judiciary, and several autonomous commissions, such as the CHRAJ. In practice the system of checks and balances is limited by a system-wide lack of resources that affects all three branches. The former ruling party, which is the opposition under the Kufuor Government with nearly half the seats in Parliament, closely scrutinizes government actions.

In the first round of the presidential elections, John Agyekum Kufuor of the NPP garnered 48.2 percent of the votes, followed by Vice President John Evans Atta Mills with 44.5 percent. On December 28, 2000, a presidential runoff was held in accordance with the constitutional requirement that the president be elected with at least 50 percent plus one of the votes. In the runoff Kufuor beat Mills with 56.7 percent of the vote. The new administration took office on January 7. The NPP won 100 seats and gained control of the 200-member Parliament, while the NDC took 92 seats. Other parties and independents won the remaining eight seats.

During the year, opposition members continued to express frustration about impediments that the executive branch imposed by its refusal to support opposition amendments to proposed legislation; however, the major opposition party closely scrutinizes government actions considered by Parliament. Parliament still was working to develop effective oversight of the workings of the executive branch. Although all M.P.'s can introduce bills, no one has ever done so; however, some have introduced motions. Opposition activists also filed several lawsuits challenging government appointments and dismissals as unconstitutional; however, the courts dismissed all the lawsuits.

In 1998 citizens elected representatives to the district assemblies and, for the first time, unit committees, which form the basis of the local government structure. Of the 16,000 units, elections still must be held in the 3,724 units that failed to produce a quorum of candidates in 1998. These elections were held on a nonpartisan basis, as called for in the Constitution. The two-thirds of each district assembly's seats, not appointed by the new ruling NPP Government, remained largely composed of members or sympathizers of the NDC, as the

assemblies were elected during the Rawlings Government in nominally nonpartisan elections. DCE's must be confirmed by two-thirds of the district assembly members. There were protests during the year in Wa, Bawku, Yilo Krobo, and Dangbe East districts over the appointment of new DCE's by the Government, some of which became violent and required police intervention. In many cases, the protesters were NPP youth activists unhappy with allegedly disloyal nominees.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no legal obstacles to the participation of women in government. There are 18 female M.P.'s. Several ministers and Council of State members are women. In 2000 a group of female parliamentarians and women's rights activists petitioned the Electoral Commission (EC) to waive registration fees for female candidates to encourage more women to run for office. The EC refused on the grounds that this would make competition for parliamentary seats unfair.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

At least 20 domestic and international human rights NGO's generally operate without government restriction, investigating and publishing their findings on human rights cases (see Section 2.b.). Government officials generally are responsive to their views. However, the Government does not grant ready access to prisons (see Section 1.c.). Prominent NGO's include the Red Cross, Amnesty International, the International Federation of Woman Lawyers (FIDA), Women in Law and Development in Africa, and Ghanalert. The Government cooperates with international humanitarian organizations, including the International Committee of the Red Cross (ICRC).

The December 31st Women's Movement (DWM), an NGO run by former First Lady Nana Konadu Rawlings and closely associated with the former government, was the subject of a region-by-region government audit, with Regional Ministries sending letters on behalf of the National Security Coordinator to the regional DWM organizers requesting disclosure of their assets. The acting Auditor General stated that the audit was proceeding because public money has gone to the DWM, and the Government has the right to audit their accounts. No other NGO's have been the subject of such audits.

The CHRAJ is charged with investigating alleged violations of human rights and taking action to remedy proven violations. The CHRAJ continues to hold workshops to educate the public, traditional leaders, the police, and the military on human rights issues. It mediates and settles cases brought to it by individuals with grievances against government agencies or private companies. On average the CHRAJ receives between 4,000 and 5,000 new petitions per year, with steady increases each year. By the end of 2000, the CHRAJ had received a total of 41,901 petitions and completed action on 33,089; 40 percent of the cases were resolved through mediation. Of the 9,265 cases submitted to CHRAJ in 2000, 7,321 were lodged against private companies, organizations, and individuals. The remaining 1,944 cases were filed against government organizations, public companies, and officials. Of the cases received during the year, 1,022 (11 percent) involved complaints about human rights, and 2,208 (23.8 percent) involved administrative justice, including abuse of office by officials, labor disputes, and delays in dispensing justice.

The CHRAJ continues to investigate corruption allegations filed against public officials. The Serious Fraud Office also investigates cases of fraud that lead to government financial loss.

The CHRAJ operates with no overt interference from the Government. Its biggest obstacle is a lack of adequate funding. Low salaries and poor working conditions result in the loss of many CHRAJ-trained personnel to other government agencies that are able to pay their employees more. In 1998 the Commission submitted a petition on this matter to the Government and had not received a response by year's end.

On July 6, the Attorney General issued a draft "National Reconciliation Act 2001" and an explanatory memorandum. The bill proposes forming a National Reconciliation Commission to establish a historical record of human rights abuses for the periods of "unconstitutional government" and make recommendations for redress. In December Parliament adopted the bill and the President was expected to assign commissioners in February 2002; the commissioners will have 12 months to complete their investigations, subject to a 6-month extension for good cause.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, sex, religion, disability, language, or social status. The courts are empowered specifically to order enforcement of these prohibitions, although enforcement by the authorities is generally inadequate, in part due to limited financial resources.

## Women

Violence against women, including rape and domestic violence, remains a significant problem. A 1998 study revealed that particularly in low-income, high-density sections of greater Accra, at least 54 percent of women have been assaulted in recent years. A total of 95 percent of the victims of domestic violence are women, according to data gathered by the FIDA. These abuses usually go unreported and seldom come before the courts. The police tend not to intervene in domestic disputes. However, 1998 legislation doubled the mandatory sentence for rape. The media increasingly report cases of assault and rape. The police administration's Women and Juvenile Unit (WAJU) handles cases involving domestic violence, child abuse, and juvenile offenses. Located in Accra and Kumasi, the WAJU works closely with the Department of Social Welfare, FIDA, and the Legal Aid Board. During the year, the Accra Branch of this unit recorded 658 cases, including 204 defilement cases, 58 rapes, 5 cases of incest, 28 indecent assaults, 232 instances of assault and wife battery, and 9 abductions.

In 2000 FIDA held a seminar to coordinate government and NGO support of the country's first domestic violence bill. FIDA presented the draft bill to the Director of Legislative Drafting of the Parliament, who is responsible for converting proposed bills into proper legislative format for eventual consideration by Parliament. The bill has not gone before Parliament but during the year, it was sent back to FIDA with recommendations for redrafting.

In August the Commissioner of Police in charge of the WAJU stated that the fees charged by medical personnel to conduct examinations, required by the police in cases of suspected sexual assault, were too high. The Commissioner stated that the fees, which range between \$2.85 and \$14.20 (20,000 and 100,000 cedis), deterred many poor women from pursuing their cases.

In late 1998, a series of "mysterious" murders of women began to occur in the Mateheko area of Accra. Three of the 20 murders reportedly involved husbands' suspicion of their wives' infidelity. The men subsequently were arrested, but they were not convicted. There were more than 30 murders between 1993 and 2000, which were referred to as "serial murders." Police instituted evening roadblocks throughout Accra in an attempt to catch the murderers. In March 2000, the Ministry of Interior offered a \$10,000 reward to any member of the public who provided information leading to the arrest of any of the murderers. In July 2000, a group of seven organizations, including FIDA, Amnesty International, The Ghana Employers Association, and The Association of Business and Professional Women, issued a joint statement reflecting their disappointment at the police's lack of success, and encouraging the Government to seek international help to solve the murders. In December 2000, this group, known as Sisters Keepers, marched peacefully to the Castle and submitted a petition to the President calling for the Minister of Interior and the IGP to resign because of their failure to solve the murders. On May 8, a suspect who police had arrested in February, confessed to eight of the murders. In October the Office of the Attorney General directed that the suspect be charged with murder. He remained in police custody at year's end.

In 1998 Parliament passed legislation that amended the 1960 Criminal Code to provide additional protection for women and children. The legislation added new definitions of sexual offenses and strengthened punishments for others. The provisions of the bill ban the practice of "customary servitude" (known as Trokosi), protect women accused of witchcraft, double the mandatory sentence for rape, raise the age of criminal responsibility from 7 years to 12, criminalize indecent assault and forced marriages, and raise punishments for defilement, incest, and prostitution involving children.

Belief in witchcraft still is strong in many parts of the country. Rural women can be banished by traditional village authorities or their families for suspected witchcraft. Most accused witches are older women, often widows, who are identified by fellow villagers as the cause of difficulties, such as illness, crop failure, or financial misfortune. Many of these banished women go to live in "witchcamps," villages in the north populated by suspected witches. The women do not face formal legal sanction if they return home; however, most fear that they may be beaten or lynched if they return to their villages. In the past, there were reports that forced labor occurred in witchcamps; however, there were no such reports during the year. The law provides protection to alleged witches. In the past, human rights NGO's estimated that the number of occupants of the witches' camp was growing; however, there are no definitive statistics on the number of women living in northern witchcamps, and international and domestic observers estimate that there are fewer than 850 women in the camps. The CHRAJ and human rights NGO's have mounted a campaign to end this traditional practice, but have met with little success. Various organizations provide food, medical care, and other forms of support to the residents of the camp.

In addition to banishment, suspected witches are subject to violence and lynching. For example, in January two elderly women in Komenda, Central Region, were accused of being witches by their nephew and subsequently were abducted and tortured to obtain confessions. One of the women died 2 weeks later. The CHRAJ was investigating the case at year's end.

In April a man living in Tongor in the Volta Region chopped off the hands of an elderly aunt, claiming that she was a witch. Police arrested the assailant, but there were no further developments in the case by year's end.

In June a woman in Abutia-Kloe, Volta Region, was beaten to death by persons who accused her of using witchcraft to mastermind the May 9 stadium disaster in Accra (see Section 1.a.). Police arrested two persons in connection with the case and were searching for six others at year's end.

In August 2000, an 80-year-old woman in the Volta region was brought before a community tribunal when a local teacher accused her of being a witch. In his statement to the tribunal, the teacher said his bank account was out of money, animals had been eating the produce on his farm, and he recently had become impotent, all of which he attributed to witchcraft on the part of the woman. The tribunal ruled that the woman had to compensate the teacher with a portion of rum, a pot of palm wine, and \$6 (2,000 cedis). In April the local press reported that the woman took the case to the CHRAJ and filed a suit in circuit court against the tribunal members and the teacher, claiming that the accusation of witchcraft and subsequent tribunal hearing subjected her to slander and public humiliation. There were no further developments in the case during the year.

There are several traditional discriminatory practices that are injurious to the health and development of young girls. In particular female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is a serious problem. A 1998 study estimated that between 9 and 12 percent of women have undergone FGM, but some estimates are as high as 30 percent. A Ministry of Health survey conducted between 1995 and 1998 found that FGM is practiced among nearly all the northern sector ethnic groups, up to 86 percent in rural parts of the Upper West and Upper East Regions. A 1998 study reported that 51 percent of all women who had undergone FGM were excised before the age of 1, and 85 percent of total excisions were performed on girls under the age of 15. A 1999 survey indicated that more than 50 percent of the women who had undergone FGM indicated that they disapproved of the practice. Officials at all levels have spoken out against the practice, and local NGO's are making some inroads through their educational campaigns to encourage abandonment of FGM and to retrain practitioners. There were no reports of arrests in the year. There have been seven arrests for the practice of FGM since a 1994 law made FGM a crime. Of those arrested, two offenders have been prosecuted and convicted. In some cases in which FGM is performed, the victims actively seek out practitioners, sometimes without their parents' knowledge, in a quest to become ready for marriage.

Members of the legal community advocate legislation to close loopholes in the FGM law, including extending culpability to family members and others who aid in carrying out FGM and to citizens who commit the crime outside the country's borders. Any person who conceals information about an instance of FGM would be liable. In addition FGM would be banned no matter how medically safe the procedure is made--dispelling a belief by some that FGM is acceptable as long as the girls' health is protected. Traditional chiefs became more outspoken in their opposition to the practice of FGM.

There are no laws that specifically protect women from sexual harassment. In January 1999, the CHRAJ announced its decision in the country's first sexual harassment case, involving a flight attendant for a private airline and her immediate supervisor. The CHRAJ determined that the 22-year-old attendant was terminated for her refusal to submit to her supervisor's sexual advances over a 10-month period. The CHRAJ awarded her compensation for legal costs. However, the company's chief executive did not comply with the terms of the decision, and in December 1999, the CHRAJ went back to court to seek enforcement of the judgment. The case was not settled by year's end, principally because the airline had gone out of business.

In February in response to a 1999 complaint filed against Ghana Airways by the Association of Flight Attendants-Ghana on behalf of a flight attendant, the CHRAJ ruled that Ghana Airways' provision that female flight attendants would be eligible for maternity leave only after completing 3 years of service amounted to sexual discrimination and must be deleted from the flight attendants' contracts. The CHRAJ also ordered Ghana Airways to reinstate the dismissed flight attendant, reimburse her for all lost wages and benefits, and pay her 1 year's salary as compensation.

In February the Government created a new Ministry of Women and Children's Affairs to address gender and children's issues; however, women continue to experience societal discrimination. Women in urban centers and those with skills and training encounter little overt bias, but resistance to women entering nontraditional fields persists. Only approximately one quarter of university students are women, although women's enrollment is increasing. Women, especially in rural areas, remain subject to burdensome labor conditions and traditional male dominance. Traditional practices and social norms often deny women their statutory entitlements to inheritances and property, a legally registered marriage (and with it, certain legal rights), and the maintenance and custody of children.

Women's rights groups are active in educational campaigns and in programs to provide vocational training,

legal aid, and other support to women. The Government also is active in educational programs, and former President Rawlings and his wife were among the most outspoken advocates of women's rights. In 2000 the Government established a women's desk responsible for addressing the gender imbalance in the civil service.

## Children

Within the limits of its resources, the Government is committed to protecting the rights and welfare of children. The Government spends between 2.5 percent and 3 percent of GNP on education, approximately two-thirds of which goes toward basic education. Between 1997 and 1999, according to government figures, spending on education accounted for 35 percent of discretionary spending. Education is mandatory through primary and junior secondary school (the equivalent of grades 1 through 9). The Ministry of Education has a goal of providing basic education to all children by 2005. However, education is not free. In practice schools impose fees of up to \$50 (335,000 cedis) per term, and students also must purchase uniforms and books. In addition teachers often withhold material during their regular lessons and ask students to pay additional fees for after-hours "tutoring" in those subjects as a way to supplement their incomes. In September the Ghana Education Service (GES) froze all fees charged by Senior Secondary Schools (SSS) for all unapproved items. According to the directive, items such as bedding and cutlery, which are not approved by the GES, must be listed in schools' prospectuses as items that parents must buy. All fees approved by the Council are to be paid by the Government.

Some children are unable to attend school because they must work to supplement their family's income (see Section 6.d.), they must travel long distances to reach the school, or there is a lack of teachers, especially in more rural areas. Additionally children's attendance at school is not enforced regularly by government authorities and parents are rarely, if ever, sanctioned for keeping their children out of school. The Government has taken some concrete steps to support education, including support of "informal" schools (NGO-sponsored schools that are not regulated by the Government and provide nontraditional education), and increased emphasis on making sure students progress from one school grade to another. According to UNICEF's "Situation Analysis of Children and Women in Ghana 2000", using Ministry of Education (MOE) data, 79.4 percent of eligible children were enrolled in primary school in 1999, with a ratio of 10 boys to 9 girls. According to MOE data for 1996-97, 58.9 percent of students in the 12-14 year age range were enrolled in junior secondary school. The dropout rate is decreasing, from 9.1 percent nationwide in 1998 to 8 percent in 1999; however, the school enrollment rate also has dropped slightly from 2.58 million in 1997 to 2.56 million in 1999. Overall enrollment probably is even lower, taking into account the country's almost 2.4 percent annual population growth.

There is little or no discrimination against female children in education, but girls and women frequently drop out of school due to societal or economic pressures. The Government actively campaigns for girls' education and in 1997 established a girls' education unit within the basic education division of the Ghana Educational Service. The new Minister of State for Primary, Secondary, and Girl-Child Education is responsible for addressing gender-related issues in education. Although the percentage of girls enrolled in school increased from 1996, participation still is low. In September 1999, the Government estimated that girls' enrollment in primary school had increased from 75 percent in 1992 to 81 percent in 1997. According to published estimates, at the primary and junior secondary level, male enrollment is between 3 and 10 percent higher than female enrollment, and the gap significantly is greater at the senior secondary school level. Enrollment of women at the university level increased by 5 percent between 1993 and 1998.

A 1997 country report by the Ghana National Commission on Children further substantiated the gap between enrollment of boys and girls, particularly at the high school level. In the 8 districts examined, there were 22,418 boys and 14,318 girls enrolled at the high school level. In the report, officials attribute the lower female enrollment to the fact that many girls marry early or become pregnant. In the 2000-2001 academic year, the five public university level institutions in the country had a total enrollment of 28,545 men and 12,128 women. In the 1998-99 academic year, the University of Ghana enrolled 852 women and 2,226 men. In 2000 the former First Lady launched an initiative to establish the country's first women's university; however, no women's university has been established.

In March the Government proposed returning schools to the religious bodies that formerly ran them; however, no specific plan or timeframe was established.

There are frequent reports of teachers sexually assaulting their female students. The girls often are reluctant to report the attacks to their parents, and social pressure often prevents parents from going to the police and other authorities. In April a math tutor at Aburi Girl's Secondary School, Eastern Region, fled after being accused of assaulting at least 17 girls. Students reportedly told the school administration, including the headmistress, about the assaults, but they were rebuffed and no action was taken; the teacher has not been arrested. The Ghana Education Service ordered the headmistress on ordered leave while it conducted an investigation. The investigation was pending at year's end.

The Ghana National Commission on Children (GNCC) is a policymaking and coordinating body established to improve the lives of children. The GNCC has provided the WAJU with office equipment. The GNCC also has administered training programs for law enforcement and judicial officials around the country to familiarize them with the Children's Act and other pertinent child labor legislation.

In 2000 the Governments of Ghana and Canada hosted a conference on children affected by war in West Africa. The resulting plan of action focused on ways that Economic Community of West African States could integrate child protection into ECOWAS peacemaking and peacekeeping initiatives.

FGM is performed on girls primarily (see Section 5, Women).

Trokosi, also known as Fiashidi, is a religious practice involving a period of servitude lasting up to 3 years. It is found primarily among the ethnic Ewe group in the Volta Region. A virgin girl, sometimes under the age of 10, but often in her teens, is given by her family to work and be trained in traditional religion at a fetish shrine for a period lasting between several weeks and 3 years as a means of atonement for an allegedly heinous crime committed by a member of the girl's family. In exceptional cases, when a girl of suitable age or status is unavailable, a boy can be offered. The girl, who is known as a Trokosi or a Fiashidi, then becomes the property of the shrine god and the charge of the shrine priest for the duration of her stay. As a charge of the priest, the girl works in the shrine and undergoes instruction in the traditional indigenous religion. In the past, there were reports that the girls were the sexual property of the priests; however, while instances of abuse may occur on a case-by-case basis, there is no evidence that sexual or physical abuse is an ingrained or systematic part of the practice. Shrine priests generally are male, but may be female as well. The practice explicitly forbids a Trokosi or Fiashidi to engage in sexual activity or contact during her atonement period. During that time, she helps with the upkeep of the shrine, which may include working on the shrine's farm, drawing water, and performing other agricultural or household labor. Trokosi may or may not attend school. During the atonement period, most girls do not live in the shrines, which generally are little more than fenced-in huts with small courtyards; many remain with their families or stay with members of the shrine living nearby. The girl's family must provide for the girl's needs during her stay, including food and clothing; however, in some cases families are unable to do so. After she has completed her service to the shrine, the girl's family completes their obligation by providing items, which may include drinks, cloth, money, and sometimes livestock, to the shrine for a final release ritual. After the release ritual, the girl returns to her family and resumes her life, without, in the vast majority of cases, any particular stigma attaching to her status as a former Trokosi shrine participant. Generally the women continue to associate themselves with the shrine, a voluntary association involving return visits for ceremonies. In many instances, when a Trokosi woman dies, years if not decades after she has completed her service and resumed her life in the village, her family is expected to replace her with another young girl, thus continuing the association of the family to the shrine from generation to generation. In very occasional cases, the family abandons the girl or cannot afford the cost of the final rites, in which case she may remain at the shrine indefinitely. She also may leave the shrine and return to her village, with her family's association then sundered with the shrine. Shrines rarely have more than 4 girls serving their atonements at any one time, and there were no more than 100 girls serving their atonement periods at Trokosi shrines throughout the Volta Region at year's end.

Trokosi shrines all follow these general practices; however, specific practices, such as the length of indoctrination, the exact nature of the ritual instruction, and the requirements for the release rites, vary from shrine to shrine and district to district.

The law bans ritual servitude in comprehensive legislation to protect women and children's rights. NGO's, such as International Needs, and government agencies, such as the CHRAJ, have been campaigning against Trokosi, for years. The practice has decreased in recent years because other belief systems have gained followers, and fetish priests who die have not been replaced. Reports on the number of women and girls bound to various Trokosi shrines vary; according to some reports, there were more than 2,000 women or girls in Trokosi shrines, but according to other international observers there are no more than 100 girls serving at Trokosi shrines throughout the Volta Region.

Another traditional practice that violates the rights of children is forced childhood marriage, which is illegal. In 2000 the GNCC stated that it was working with the CHRAJ to effect the prosecution of the chief of Mpeasem-Easuakyir, in the Central Region, who coerced a 14-year-old girl into marrying him after he abused and impregnated her. FIDA supported the efforts and emphasized that the marriage violated the Children's Act, which sets the marriageable age at 18, as well as the Criminal Code, which prohibits sex with a child under 16 years of age.

Child prostitution, although illegal, also exists. In 2000 the Eastern regional branch of the Ghana Hairdressers and Beauticians Association announced that it would offer free apprenticeships to 150 street girls in the Eastern Region to equip them with marketable skills.

There were reports that trafficking in children occurred, including children being sold into slavery either for forced labor or sexual exploitation (see Sections 6.c. and 6.f.). Child labor also is a problem (see Section 6.d.).

#### Persons with Disabilities

The Constitution specifically provides for the rights of persons with disabilities, including protection against exploitation and discrimination. In practice persons with disabilities are not discriminated against in any systematic or overt manner. The Constitution also states that "as far as practicable, every place to which the public has access shall have appropriate facilities for disabled persons." However, in practice this provision has yet to be implemented. In 2000 government officials stated that companies should take the needs of persons with disabilities into account when building and designing buildings and reminded the public that persons with disabilities have rights that should be protected.

#### Religious Minorities

There was occasional fighting between ethnic Ga traditionalists and members of some Christian charismatic churches over the annual ban by Ga traditional leaders on drumming and noise-making prior to the Ga Homowo (harvest) festival. Traditionalists believe that their time-honored customs should be accorded due respect, while some Christians resent the imposition of bans, which they believe infringes on their right to worship. Unlike in 2000, the Government made no attempts to mediate between charismatic Christians and ethnic Ga traditionalists prior to the Homowo (harvest) festival.

On May 7, the first day of the ban, the GTC announced that the agreement it had reached with local churches in 2000 was not applicable during the year and that the ban would apply to all drumming and noisemaking. Charismatic Christian leaders countered that the ban was unconstitutional and that they would not observe it. On May 13, groups of young men attacked and damaged two charismatic churches, resulting in a number of injuries. On May 20, the second Sunday of the ban, groups of young men attacked more charismatic churches, and stole musical equipment and money. On May 23, the Forum of Religious Bodies in Ghana issued a statement, which was signed by seven religious councils, calling for peaceful coexistence and further negotiation with the GTC; however, a GTC leader stated that no agreement had been reached with the churches, and that he did not endorse any compromise. Although no agreement was reached, there were no reports of violence during the final two Sundays of the ban. Of the 11 people arrested for attacking churches during the year's annual ban on drumming, 3 were released for lack of evidence and 8 were set free on bail. There have been no prosecutions as of the time of this report. No police action was taken in regard to any attacks from previous years.

There were occasional reports of interreligious and intrareligious incidents but no violent incidents based on religious affiliation. On May 25, members of the Tijanniya and Al-Sunna Muslim sects clashed in Madina, Greater Accra, over the choice of an assistant Imam. Seven people reportedly were injured; there were no arrests. In 2000 three Muslims were injured at Effiduase (Eastern Region) in a clash between two Muslim sects over doctrinal differences. Members of the Tijanniya school of Islam allegedly attacked members of the Al-Sunna school.

In 2000 members of the Christo Asafo Christian Church clashed with members of the Boade Baaka traditional shrine at Taifa, Greater Accra Region. The dispute arose days earlier after shrine members accused a Christian woman of witchcraft. In the process, the woman was injured slightly, and a crowd formed. Christo Asafo members attacked the shrine in retaliation. There were some minor injuries. Police did not arrest or prosecute any of the participants, but continue to investigate the incident.

In March 2000, a dispute between five Pentecostal churches and landowners (tendaabas) led to tension in Jirapa, Upper West Region. After a member of the Kingdom of God ministries allegedly burned down a local shrine, the tendaabas banned religious activities of all churches except the Roman Catholic Church, until May 2000 when the Regional Coordinating Council brokered a resolution.

There were no new developments in the case of the November 1999 dispute between an Islamic middle school and a Methodist middle school in Agona Nyakrom in the Central Region, where five persons suffered gunshot wounds, and Muslim property was destroyed. In 2000 all of those arrested were released, and the police did not charge any suspects. In 2000 the Committee of Inquiry set up by the Central Regional Coordinating Council presented its report to the Central Regional Minister. Details of the report were not published; however, the Committee recommended ways to ensure lasting peace between the two communities, and the Regional Minister agreed to implement the recommendations.

#### National/Racial/Ethnic Minorities

Although the Government plays down the importance of ethnic differences, its opponents have complained that it is dominated by Ashantis, and other Akans, at the expense of Ewes and northerners. The President and some of his ministers and close advisors are Ashanti, but the Vice President and many ministers are of other ethnic origins. A 1997 survey found that 25 percent of the respondents believed that they had experienced discrimination because of their tribal origins.

In 2000 13 persons reportedly died and more than 25 were injured in the Upper East Region capital Bawku in an election-related dispute that had ethnic overtones. The conflict initially was a dispute between ruling party and opposition supporters, and was fueled by ongoing tensions between the Mamprusi and Kusasi ethnic groups. In early June, a Peace and Reconciliation Consultation meeting between the two groups was held in Domongo, Northern Region. Participants included leaders of the Mamprusis and Kuasis, representatives from NGO's, religious leaders, and government officials. The two groups agreed on solutions to a number of outstanding issues and resolved to use dialog to address future disagreements.

However, in December renewed violence between the Mamprusi and Kusasi ethnic groups in Bawku resulted in widespread rioting, destruction of property, and loss of life. The Ghana Red Cross reported 68 deaths, 43 injuries, 2600 displaced persons, 203 homes partially or completely burned down, and 17 stores destroyed. Many homes were looted, and food barns were destroyed. Security forces in the town, including the police and a platoon of soldiers, initially were overwhelmed by the scale of the violence, which included heavy exchanges of automatic weapons fire between members of the two ethnic groups. However, police and army reinforcements restored order within 48 hours and instituted a strict curfew. By year's end, displaced persons were returning to Bawku and rebuilding their homes; stores and schools had reopened. Senior government officials visited the town and pledged to assist the reopening of peace negotiations between the Kusasi and Mamprusi peoples.

During the year, there were several violent confrontations within ethnic groups related to chieftancy issues, particularly those of succession and land. On March 5, in Nsoatre, Brong-Ahafo Region, three persons were killed and nine injured when residents opposed to a new chief clashed with police (see Section 1.a.). On April 17, a chief in Acherensua, Brong-Ahafo Region, allegedly shot and killed one person and injured five others in a dispute over demands that he abdicate; he appeared before a Community Tribunal and was remanded into police custody. The police investigation still was ongoing at year's end.

In 2000 the Tamong and Puli clans in Bimbagu (West Mamprusi District in the Northern Region) clashed in a chieftancy dispute. Two persons were killed, and 56 houses were burned. The police were sent to Bimbagu to maintain order during the clash. The police still were investigating the incident at year's end.

In 2000 four persons were killed after a conflict over a chieftancy dispute in Weiija (Greater Accra Region).

In 1999 a chieftancy dispute in Juaso in the Ashanti Region resulted in the death of a policeman, several injuries, the burning of the police station, and the arrest of over 60 persons. The chief and his supporters were brought before the Kumasi tribunal and later granted bail. The case was ongoing at year's end. The police also were investigating some Juaso residents' claim of police mistreatment during the same event (see Section 1.a.).

Elders from the Guan and Akan ethnic groups, who were arrested and detained in 1999 for violence related to a chieftancy dispute, were awaiting prosecution at year's end. A 1999 chieftancy dispute in Teshie that resulted in numerous gunshot wounds, a stabbing, and destruction of property was pending before the Ga traditional council at year's end.

A 1999 case in which off-duty soldiers clashed with civilians in the Oshiye area of Accra in a chieftancy dispute, resulting in several injuries, was pending before the courts at year's end.

In 1995 the Government created a permanent negotiating team made up of religious leaders, NGO representatives, Council of State members, and other interested parties to help resolve the continuing tensions between the Konkomba and other ethnic groups in the north. The Permanent Peace Negotiating Team (PPNT) is a facilitative body whose primary purpose is to mediate disputes. In 1997 in response to reports of latent insecurity, the PPNT extended its activities to some northern parts of the Volta Region and supervised a peace accord among all parties to the conflict there. Since 1997 there have been organized seminars and workshops designed to promote dialog between two feuding factions. The Government has a ban on firearms in the Northern Region and northern part of the Volta Region.

Government officials, M.P.'s, and other prominent opinion leaders regularly call for peaceful coexistence between ethnic groups. In 1999 after 14 years of animosity, the Bimobas and the Konkombas of the East



Mamprusi District of the Northern Region held a pacification and reconciliation ceremony. In 1999 the Northern Region Youth and Development Association, an umbrella group of all the ethnic groups in the area, organized a workshop on building peace at the grassroots level.

In January 1999, the Nipa-O-Nipa and Sika-O-Sika factions of Kumasi's ethnic Moshie community signed a peace agreement at the behest of the then Regional Minister. However, the longstanding dispute resurfaced in December 1999, after the Supreme Court had ruled on the Moshie leadership issue. One man died from a stab wound, and another was injured. In January 2000, a member of the Nipa-O-Nipa faction was sentenced to 1 week in prison for wounding a student during the December 1999 leadership dispute. In June 2000, three members of the Sika-O-Sika faction were sentenced to death by hanging for the murder of the son of the leader of the Nipa-O-Nipa faction. The lawyers for the three Sika-O-Sika faction members filed an appeal, which was pending at year's end. The dispute was resolved in May 2000 after the Ashanti paramount chief gave formal recognition to the Sika-O-Sika faction's leadership claim.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution provides for freedom of association. This right is restricted formally by the Trades Union Ordinance, which confers broad powers on the Government to refuse to register a trade union, and by the Industrial Relations Act (IRA), which governs trade union activities; however, the Government has not interfered with the right of workers to associate in labor unions and has encouraged pluralism in labor organizations. The IRA governs trade unions and their activities. The percentage of workers belonging to unions appears to be decreasing from 9 percent in 1998 as more of the workforce enters the informal sector where there is no union activity. The Ministry of Employment and Social Welfare has estimated that 86 percent of the work force is employed in the informal sector, and that number is expected to increase. The Ghana Federation of Labor (GFL) is intended to serve as an umbrella organization for several other labor unions, which were either previously part of or not encompassed by the Trades Union Congress (TUC). The TUC, the largest labor organization in the country, consists of 17 national unions.

Led by experienced union leaders, the TUC has been a vocal and constructive critic of the Government's economic policies. Civil servants have their own union, the Civil Servants Association, which operates outside of the TUC umbrella.

The law recognizes a right to strike, but there have been no legal strikes since independence. Under the IRA, the Government established a system of settling disputes, first through conciliation, then through arbitration. Parties in a dispute may request compulsory arbitration. A union may call a legal strike if the Government does not call for formal arbitration. However, no union has ever gone through the complete process. There were numerous unsanctioned strike actions during the year, none of which met the requirements for a legal strike detailed in the IRA. The IRA prohibits retribution against strikers, and this law is enforced. On May 2, Accra textile traders were told that they could not hold a demonstration to protest a textile price hike because they lacked a police permit. Instead they presented a petition to the Government on the issue (see Section 2.b.).

On March 19, police used rubber bullets to disperse a group of workers who were blockading the factory at the Ghana Textile Manufacturing Company (GTMC) in order to prevent co-workers, who were part of a rival union, the Textile Garment and Leather Employees Union (TEGLU), from entering the GTMC factory. In April two members of the Industrial and Commercial Workers Unions (ICU) were sentenced to 6 months in jail for "being on a premises for an unlawful purpose." On April 7, 2000, they had entered the grounds of Akosombo Textiles Limited (ATL) to address workers and convince them to leave TEGLU in favor of the ICU. A tribunal ruled that the action of the two ICU members actions were contrary to the country's labor laws.

In July and August, the Polytechnic Teachers Association (POTAG) went on strike over salaries (see Section 6.b.).

There was no investigation into the security forces use of water cannons on thousands of trade union members demonstrating in Accra for an increase in the minimum wage in 2000 (see Sections 1.c. and 2.b.).

The Government convened a committee to investigate reports that a gold-miners' strike in May 1999 was instigated by persons not employed by the mine. The committee completed its report in September 1999, but the conclusions were not made public by year's end.

On April 2, approximately 600 workers from Ghana Consolidated Diamonds Limited (GCD) staged a peaceful demonstration at the company's premises in Akwatia, Eastern Region, to protest plans for the company's

divestiture.

Unions have the right to affiliate with international bodies. The TUC is affiliated with the Organization of African Trade Union Unity headquartered in Accra and also is a member of the International Confederation of Free Trade Unions.

#### b. The Right to Organize and Bargain Collectively

The law protects workers from employer interference and their right to organize and administer their unions. The IRA provides a framework for collective bargaining and some protection against antiunion discrimination. Trade unions engage in collective bargaining for wages and benefits for both private and state-owned enterprises without government interference. However, the Government, labor, and employers negotiate together through a tripartite commission to set minimum standards for wages and working conditions. The law requires employers found guilty of antiunion discrimination to reinstate workers fired for union activities. No union leaders have been detained in recent years for union or other activities.

On August 22, POTAG called off a 4-week strike in order to resume negotiations with the Government over a salary dispute.

On October 1, workers from DL Steel Limited demonstrated to protest management's intention to close the company without proper negotiations with the workers. The company reached an agreement on severance packages with the ICU, but the workers had rejected the settlement. The workers appealed to the Minister of Trade and Industry, but no further action was taken by year's end.

A 2000 trade union demonstration resulted from trade unions' accusations that they had not been consulted adequately in the Government's deliberations on the minimum wage (see Section 6.a.). The Government argued that the unions had been included in tripartite dialog on the issue.

On September 11, the Minister of Manpower Development and Employment stated that there had been 22 industrial actions involving 12,830 workers in the first 8 months of the year, costing the country 39,261 man-days of labor. Most actions involved demands for higher wages and better benefits.

There is legislation that authorizes export processing zones (EPZ's), and a few EPZ's are in operation. Existing labor law applies in any EPZ, including the right to organize.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including forced and bonded labor by children; however, approximately 100 women and girls are bound to shrines in the Volta Region through the localized Trokosi system and perform limited servitude for limited periods (see Section 5).

It is difficult to determine the extent to which forced and bonded labor by children is practiced.

The country is both a source and a destination country for trafficked children (see Section 6.f.).

There have been newspaper reports of children being sold into slavery for either sexual exploitation or labor, such as 10- to 12-year-old boys toiling in the service of fisherman in exchange for a yearly remittance to their families. A 1999 report described this practice as rampant in 156 fishing villages along the Afram River and settlements along the Volta Lake in the Afram plains (see Section 6.f.). However, there were no reports during the year that children were sold into slavery; the practice appears to involve informal servitude, often with the consent of their parents (see Sections 6.d and 6.f.) The ILO continues to urge the Government to revise various legal provisions that permit imprisonment with an obligation to perform labor for offenses that are not countenanced under ILO Convention 105.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The law sets a minimum employment age of 15 years and prohibits night work and certain types of hazardous labor for those under 18 years of age. According to the 1998 Core Welfare Indicators Questionnaire conducted by the Ghana Statistical Service, only 11 percent of children are engaged in income-generating work; however, according to UNICEF, this study may have undercounted the number of working children because of its methodology. A 1997 World Bank study indicated that children represented 12.6 percent of the country's total

work force. Approximately 80 percent of child laborers are in rural areas. In 2000 UNICEF reported that approximately 60 percent of children in the labor force in 1997 worked in the agricultural sector, while 34 percent worked in the trade and services sector. The ILO estimated that 12 percent of children between the ages of 10 and 14 work. Children under 10 work as domestic laborers, porters, hawkers, miners, quarry workers; they also work in agriculture. The fishing industry on Lake Volta has a particularly high number of child laborers engaged in potentially hazardous work. According to an ILO representative, child labor in the tourism industry is also increasing. Child laborers are poorly paid and subject to physical abuse; they receive little or no health care and generally do not attend school. In practice child employment is widespread, and young children of school age often perform menial tasks during the day in the market or collect fares on local buses. An ILO survey conducted in three rural districts between 1992 and 1993 concluded that 11 percent of school-age children were employed for wages and another 15 percent work without remuneration (see Sections 6.c. and 6.f.). In 2000 the Ministry of Employment and Social Welfare estimated that 18,000 children are working in Accra and 800,000 countrywide. Of those, 70 percent have no education while 21 percent only have a primary education.

The migration of children from rural to urban areas is increasing, due to economic hardship. Children are driven to the streets to fend for themselves, increasing child labor and the school dropout rate. Another ILO study in 1992 and 1993 found that almost 90 percent of the surveyed street children in Accra did not attend school. Observance of minimum age laws is eroded by local custom and economic circumstances that encourage children to work to help support their families. A 1996 ILO survey revealed that the economic activity of more than 75 percent of children between ages 5 and 14 takes place in the context of a family enterprise.

In 2000 the ILO commissioned the African Center for Human Development, a local NGO, to conduct a survey of the child labor situation. The NGO found that child labor and child trafficking are widespread in the informal labor sector, especially in larger cities and border areas (see Sections 6.a. and 6.f.). The study recommended that law enforcement officials be tasked with monitoring and combating child labor and child trafficking. In 2000 the Government established a National Steering Committee for the International Program for the Elimination of Child Labor (IPEC), composed of representatives from the Government, the Ghana Employer's Association, the Trade Unions Congress (TUC), the media, international organizations, and NGO's to look into child labor issues. The Committee developed the "National Plan of Action for the Elimination of Child Labor in Ghana 2001-2002," which was published by the Ministry of Manpower Development and Employment and ILO/IPEC Ghana.

According to government labor officials, child labor problems do not exist in the formal labor sector because "exploitive child labor" (defined as that which deprives a child of health, education, or development) is prohibited. However, child labor laws are not enforced effectively or consistently, and law enforcement officials, including judges, police, and labor officials, often are unfamiliar with the provisions of the law protecting children. District labor officers and the Social Services sub-committees of District Assemblies are charged with seeing that the relevant provisions of the law are observed. All law enforcement and judicial authorities in the country are hampered by severe resource constraints and a lack of public awareness about the problem. The Ministry of Manpower Development and Employment has more than 100 labor inspectors throughout the country responsible for monitoring companies labor practices; however, there is no record of any prosecutions for child labor resulting from these inspections. Additionally, the inspectors' efforts are concentrated only in the formal sector. All published studies and reports concur that the majority of child labor is engaged in the informal and agricultural sectors, which the inspectors do not monitor. NGO's report that children as young as age 7 work illegally as porters, domestic servants, "hawkers," rock-breakers in quarries, small-scale miners, farmers, and fishermen. They are paid poorly, if at all, and sometimes are molested or abused. They seldom receive sufficient food or health care, and do not attend school.

In late 1998, the President signed into law legislation to provide additional child labor protection and strengthen the punishment for violators under a comprehensive children's act. The act incorporates the existing labor legislation's minimum age for employment and prohibitions on night work and hazardous labor. In addition the legislation allows for children aged 15 years and above to have an apprenticeship whereby the craftsmen and employers have the obligation to provide a safe and healthy work environment along with training and tools. Fines and imprisonment for violators are increased considerably. In May Parliament ratified ILO Convention 182 concerning the elimination of the worst forms of child labor.

In February the Ministry of Manpower Development and Employment, in conjunction with ILO/IPEC, issued a "National Plan of Action for the Elimination of Child Labor in Ghana. Implementation of the IPEC began during the year; a national coordinator and steering committee were established, and the Government's statistical service was conducting a national survey of the child labor problem.

In 2000 the acting executive secretary of the Ghana National Commission on Children (GNCC) expressed concern about the increasing use of child labor in fishing enterprises, and advocated greater law enforcement

of child labor laws. She appealed to parents and fishing communities to combat the practice.

The Ministry of Manpower Development and Employment has over 100 labor inspectors conducting approximately 400 inspections per month. However, inspectors do not look exclusively or specifically at child labor; they investigate child labor cases only as part of their overall duties and their inspections focus entirely on the formal sector. When inspectors find infractions of child labor laws, they generally inform the employers about the provisions of the law and ask them to make changes. There have been no recorded cases of prosecutions based on these inspections. Officials only occasionally punish violators of regulations that prohibit heavy labor and night work for children. Inspectors from the Ministry of Labor and Social Welfare are responsible for enforcement of child labor regulations. They visit each workplace annually and make spot checks whenever they receive allegations of violations.

The law prohibits forced and bonded labor performed by children; however, during the year, international observers reported that approximately 100 girls and women were connected to Trokosi shrines. Children are trafficked into and from the country (see Sections 5, 6.c., and 6.f.).

Unlike in the previous year, there were no media reports that children were sold for either sexual exploitation or labor (see Sections 6.c. and 6.f.).

#### e. Acceptable Conditions of Work

In 1991 minimum standards for wages and working conditions were set by a tripartite commission composed of representatives of the Government, labor, and employers. On April 30, after lobbying by trade unions, the Tripartite Commission raised the daily minimum wage to \$.78 (5,500 cedis), which still is considered to be insufficient to provide a decent standard of living for a single wage earner and family. Furthermore, there is widespread violation of the minimum wage law. In most cases, households have multiple wage earners, and family members engage in some family farming or other family-based commercial activities. Trade unions argue that an eventual minimum of a \$1.00 (7,050 cedis) a day would provide a living wage to workers.

The law sets the maximum workweek at 45 hours, with one break of at least 36 consecutive hours every 7 days; however, through collective bargaining the basic workweek for most unionized workers is 40 hours. In 1999 the Government began compensating extra duty hours only for overtime actually worked, in accordance with labor equity, rather than as an automatic salary supplement.

Occupational safety and health regulations exist, and the Labor Department of the Ministry of Health and Social Welfare occasionally imposes sanctions on violators. However, safety inspectors are few and poorly trained. They take action if matters are called to their attention, but lack the resources to seek out violations. Workers have the right to withdraw themselves from dangerous work situations without jeopardy to continued employment, although they rarely exercise this right.

The law protects both legal and illegal foreign workers.

#### f. Trafficking in Persons

There are no laws that specifically address trafficking in persons, and trafficking in persons is a problem; however, the Government can prosecute traffickers under laws against slavery, prostitution, and underage labor. The country is a source and a destination country for trafficked persons; however, the Government is beginning to acknowledge that trafficking is a problem.

Trafficking is both internal and international, with the majority of trafficking in the country involving children from impoverished rural backgrounds. The most common forms of internal trafficking involves boys from the Northern Region going to work in the fishing communities in the Volta Region or in small mines in the west and girls from the north and east going to the cities of Accra and Kumasi to work as domestic helpers, porters, and assistants to local traders. In the previous year, over 100 boys reportedly were contracted out to Lake Volta fishermen (see Sections 6.c. and 6.d.).

Teenage girls from the rural areas also are sent by relatives to work in the cities as housemaids for little remuneration. Often an assurance is given that after several years' service, the housemaid would be sponsored to train in dressmaking or hairdressing. However, often an excuse is found to fire the housemaid before such apprenticeship begins.

Children between the ages of 7 and 17 also are trafficked to and from the neighboring countries of Cote

d'Ivoire, Togo, and Nigeria to work as farm workers, laborers, or household help.

Much of the recruitment of children is done with the consent of the parents, who sometimes are given an advance payment or promised regular stipends from the recruiter and are told the children will receive food, shelter, and often some sort of training or education. Some parents sent their children to work for extended family members in urban areas; treatment of children sent to work in relatives' homes varies. Many children are given to professional recruiters, usually women, who place the children with employers in cities. A child in these circumstances usually is paid between \$2.80 and \$4.20 (20,000 and 30,000 cedis) per month. In many cases, the children never receive the education or vocational training the recruiters promised. Girls may be forced into prostitution and often are sexually abused by their employers.

Women are also trafficked to Western Europe, mostly Germany and the Netherlands. International traffickers promise the women jobs; however, the women often are forced into prostitution once they reach their destination. The women are sent sometimes directly to Europe, while others are trafficked through other countries. Some young women are trafficked to the Middle East, particularly Lebanon, where they work in menial jobs or as domestic help. There also is a growing trade in Nigerian women transiting Ghana on their way to Western Europe and reportedly the Middle East to work in the sex industry. Traffickers in person from other countries reportedly used Accra as a transit point to Europe and reportedly the Middle East. There is reportedly some trafficking in persons from Burkina Faso, mostly transiting Ghana on the way to Cote d'Ivoire.

The law, which defines the rights of children and codifies the law in areas such as child custody, health, and education, does not address specifically trafficking. The country is a signatory of ILO Convention 182 and various ministries were working with the ILO and NGO's to address trafficking. In February the Ministry of Manpower Development and Employment, in conjunction with ILO/IPEC, issued a "National Plan of Action for the Elimination of Child Labor in Ghana (see Section 6.d.)."

Law enforcement authorities are not trained or given resources to deal with the problem. Law enforcement officials also have a difficult time identifying persons who are being trafficked because of the fluid nature of family relations in the country. For example, a friend often is called a "cousin," and an older woman an "aunt," even if there is no blood relation.

In April a woman was arrested at Paga, Upper East Region, on the border with Burkina Faso for trafficking to the Gambia 8 boys and 3 girls, between the ages of 6 and 14. Police investigations into the case were continuing at year's end.

In 2000 two men who had attempted to sell two young men into forced labor for \$9,100 (50 million cedis) each were remanded to prison custody and charged with "slave dealings." The case was pending in court at year's end.

In October the Government hosted a regional experts' conference on trafficking in persons under the auspices of ECOWAS. The Government pledged to draw up its own National Plan to combat trafficking and to establish a National Commission on Trafficking in 2002.

A local NGO in the north conducts rehabilitation programs for women who have been trafficked. The NGO provides counseling and training in professions such as sewing and hairdressing to give them a source of income. The NGO also carries out a public information program about the dangers of trafficking and prostitution.